Vol 27. No. 1330.

MADRAS COURIER.

VOLUME XXVII. TUESDAY, APRIL 2, 1811. NUMBER 1330.

THE COURIER.

TUESDAY, APRIL 2, 1811.

APPOINTMENTS, &c.

Captain Tylden, to act and draw the allowance, as Military Secretary to the Commander in Chief during the employment of Colonel Agnew as Adjutant General to the troops detached on the intended expedition.

Cadtain James Limond of Artillery, and Lieutenant John Blackiston of Engineers, to be extra Aide de Camp to His Excellency upon the approaching service.

Lieutenant James Hanson, of the 14th Regiment Native Infantry to be Assistant Quarter Master General, on the expedition from the 15th of February last.

Lieutenant John Cleghorn of the Engineers, to take charge of that department at Seringapatam & Bangalore during the absence of Lieutenants Garrard and Blackiston, on foreign service; and Major Caldwell, to the charge of the Engineer's department in the Center division of the Army during Lieut. Cleghorn's absence in Mysore, without prejudice to his appointment of Superintending Engineer at the Presidency.

Lieutenant Hodge of the 14th Regiment Native Infantry, to do duty under Major Lambton, in the room of Lieutenant Bayley.

Lieutenant St. John Blacker of the 1st Regiment Native Cavalry, to do duty under the orders of the Commissary General.

Lieutenant Colonel Freese, acting Commandant of Artillery, with a seat the Military Board, vacant by the departure for Europe of Colonel Tredway Clarke.

Colonel Hare, is directed to resume the command of the Centre Division of the Army.

Lieutenant Colonel M'Dowell, is posted to the 1st Battalion 9th Regiment Native Infantry.

The following Officers are attached to the force under orders for foreign service, and are to be returned accordingly.

Captain H. Durand, 5th Native Regiment,—Captain Robert Mears, 17th ditto, ditto,—Lieutenant J. Dalgairns, 7th ditto, ditto,—Lieutenant H. G. Jourdan, 19th ditto ditto,—Lieutenant James Bayley, 11th ditto ditto,—Lieutenant A. St. Stewart, 16th ditto ditto,—Lieutenant J. Low, 24th ditto ditto,—Lieutenant T. Clede, 25th ditto ditto.

On Wednesday last arrived the Brig Diligence, Captain Rickman, and H. C. Brig Hastings, Capt. Roberts, from the Isle of France.

PASSENGERS.—Captain Hall, 22d Regiment,—Captain Povilier, N. I.—Captain Sinclair,—Captain Scott,—Lieut. Hunter, 14th Regt.—Lieutenant Dennie, 22d N. I.—Mr. Wake, Cadet,—Mr. Smart,—Mr. Lanoys,—Mr. Hurd, Deputy Commissary, and Mr. Hampton, Conductor.

On Thursday arrived the Argo, Captain Macfarlane, from the Isle of France, having on board a detachment of the Madras Volunteer Battalion.

On Friday last arrived the Admiral Drury, Captain King, from the Isle of France, with the remainder of the Madras Volunteer Battalion.

On Sunday H. M. Ship Modeste, arrived from Bombay. She met the Bombay Transports for this Port off the Basses 11 days ago. Same day arrived the Brig Fortune, from Colombo, 27th February.

Shipping Arrivals since our last.

ARRIVALS.—March 27th, Brig Diligence, Capt. H. Rickman, from Isle of France, 23d Jan.—ditto, H. C. Brig Hastings, Capt. Roberts, from Port Louis, 27th Jan.—28th do. Ship Argo, Capt. Andrew Macfarlane, from Port Louis, 23d Jan.—29th, Ship Admiral Drury, Capt. Robert King, from the Isle of France, left 22d January.—31st, H. M. Ship Modeste, Capt. Elliott,—Brig Fortune, Capt. Tepke.

ENTERTAINMENT AT THE RACE-STAND.

On Monday, the 25th ult. a splendid Dinner was given by Colonel Gibbs, and the Officers of H. M. 59th Regt. to His Excellency Lieutenant General Sir S. Achmuty and a large party.—The Ladies, and principal Inhabitants of the Settlement afterwards met, by the invitation of Colonel Gibbs and his Officers, at a Ball and Supper at the Race-Stand.

This entertainment was conducted on a most liberal scale, and the party, who had partaken of all that genuine hospitality and polite attention could afford, retired from the festive scene at a late hour in the morning, with every good wish for the success of the enterprize in which their gallant entertainers may shortly expect to be employed.

MRS. OAKES'S MASKED BALL & SUPPER.

FRIDAY, MARCH 29, 1811.

Although the extent and variety of Entertainments of this nature which have been given of late years at this Settlement, might have been supposed to have so far diminished the fertility of taste and fancy as to produce little novelty of character; yet the Masquerade of Friday last proved that invention is by no means exhausted, but that the oftener it is exercised the more vigorous it becomes.

About ten o'clock the Company began to assemble. Torches were placed from the gate on each side of the road leading to the House, and were continued in the same manner all round the very extensive grounds. Every room was thrown open, and brilliantly lighted up. About eleven the majority of the company had assembled and afforded a *coup d'œul* as brilliant and amusing as can well be imagined.—The motly, busy scene, became now highly animated, and exhibited a lively and highly comic display—all was sprightliness and fancy.—The eye was amused with the ever varying scene. The gravity of Dominos and the more sombre cast of characters, was perpetually relieved by the frolic and fun of those of a lighter and more ludicrous kind: the ear was delighted with the sounds of vocal and instrumental music, and the heart gratified in the contemplation of the charms of dignified and rural beauty.

As it may be expected by our readers that we should present them with an outline of the characters, to assist the recollection of those who were present, and to give some faint idea to those who were absent of the spirit and variety of the entertainment, we shall endeavour to furnish them with a slight sketch, without any regard to methodical arrangement, but in the order in which they occur to the memory.

Amongst the earliest characters who presented themselves was a group of FRENCH SHEPHERDS AND SHEPHERDESSES and their WIVES, admirably dressed and represented. The air of naiveté and beauty which distinguished these sweet nymphs of the meadow, raised much envy against the youths who had the happiness to attend them. They were accompanied by two musicians of their nation, to whose music they tripped away with agility and grace. One of this party addressed the HOSTESS, who was brilliantly attired and received her company unmasked, in a neat and appropriate speech in the French language.

A COBLER, in his Stall, was an admirable representation. This was evidently a merry workman, and a witty one, for he had a shrewd remark to make on every occasion, and was sometimes very happy in his allusions to the real characters of the maskers who presented themselves as Customers. He may be fairly said to have taken *the length of their foot*, and we sincerely hope his good-humour may *Last-forever*. So versatile is honest Crispin's genius that we understand, he proposes to proceed to Batavia; there no longer to do any *Cobbling* Work, but to offer his services in teaching the Mynheers to cut capers, who (as a character representing Daendels observed) *till-den* only can expect to eat their mutton and drink their Geneva in peace.

A DUBASH, and a GRIFFIN in a blue Coat with red Collar and Cuffs, were personated to the life. The former had all the jargon of those rogues who usually get hold of the unwary Cadets on their landing in this country. By the help of his numerous, excellent characters, he succeeded in getting into the confidence of the Griffin, and however *low* his finances were at the time it is presumed he would much increase them before he and his master parted.—The latter had a number of "*passports for a beef-steak*" with which the *Johnny Newcomes* are frequently loaded in the shape of letters of recommendation. The Dubash pointed out those which would be most serviceable observing "that fine Gent leman, plenty good dinners that Gentleman give." The griffin walked about in search of his patrons, with a handkerchief in his hand, incessantly applied to his face to wipe the sweat from his brow, and disperse the muskitoes whose attacks upon his face were lamentably visible. Much entertainment was afforded by both these characters.

Towards the conclusion of the Evening the Gentleman who personated the Griffin appeared in the character of SIR GREGORY GOSSIP, Fellow of the Royal Colleges of Physicians of Edinburgh and London. The proud, opiniative and superficial practitioner, disguised under the semblance of humility, candour and science, was excessively well imitated, and reminded us strongly of the Sir Felix Fascinate so admirably delineated in "A Winter in London."

The Doctor was accompanied by the Cobler whose *last* efforts we have mentioned, in the quality of FOOTMAN. He was however soon discharged from his Service for alleged intoxication, but in reality because the Doctor's fair patients, preferring the footman to the master, dismissed the one but elevated the other to the honors of the sitting, and the last we saw of Mr. Brush was in an enviable situation between two Ladies, and from which he seemed to derive the highest satisfaction.

A musical party of BALLAD SINGERS, two male & two female, and a most spirited Violin, attracted an admiring croud wherever they took their stand, and their performance was every where highly applauded. After one of the *Songs* was ended and the Fidler gave a parting scrape, a character, personating a French Friseur observed "dat might be *cald-well*." The fine tenor voice of one of the party proved him to be a *true-man*; and the young Damsel sung so prettily, that is was evident she had had an able *Governess* to instruct her.

Three PERSIANS looked and acted as first rate originals. They were probably at home in the Language, but few seemed able or willing to put them to the test.—In the little we observed them to say they appeared to great advantage.

MERLIN the magician mixed with the throng and was the same benevolent necromancer he was wont to be in former times. In the course of the Evening he assumed the garb of MOTHER SHIPTON, in which he appeared the veriest witch that ever was seen; perfectly well acquainted with the *Customs* of all present, he obliged them to pay the accustomed DUTIES to the dignity of his high office.

A BALLAD SINGER amused the Company with some excellent and most comic Songs.—We will venture to *pitt* this character against any other at the Masquerade. He was constantly and most deservedly applauded.

A STROLLING PLAYER spouted & ranted with all the energy of one of the Dunstable Company. He addressed many of the fair visitants in appropriate speeches. By some he was saluted by the familiar appellation of *Dick*, but he answered not to the name, but *parry-ed* it off well.

The same Gentleman figured away afterwards as a NOSTRUM MONGER or *mender of Souls*, but the assembly consisted of such worthy, good people, that he failed merely from the want of customers, altho' he presented the following Bill descriptive of his great abilities.

SETHO PATHALEXIOS, late an Ascetic in the Deserts of Diarbkir, having applied nearly half a century of his secesion from the World in studying Medical preparations applicable to moral diseases and purposes, in which the most precious materials of Nature (materials unknown to the great Paracelsus, the inquisitive Ashmole, and all other Alchymists of eminence) have been amalgamated and concentrated, has surrendered the sweets of a contemplative life for the benefit of his fellow-kind, and offers the fruits of his philanthropic labours, as a moral Pharmacopolist, to the notice and patronage of this enlightened community. He is induced by modesty, among other motives, to confine himself in this Advertisement to a *few* of those elegant preparations which are calculated for more general use and benefit.

THE OCULAR ACUMINATOR.

The particular property of this unguent is, that it enables the eye to detect the minutest defects in the moral qualities, and conduct of others. Practitioners in the common line of physic, might, probably, call this a dysopian derangement of the visual faculties, but when the benefits derived from the unguent are considered, such an enlargement of them will be duly appreciated. The happy state of ease and self-complacency in which it is calculated to place ourselves, comparatively with others, the depreciation of friends and the consequent title it gives to undervalue and neglect their admonities, and the direct qualification it imparts to be considered an agreeable member of society in all circles that have any pretensions to Ton, are advantages that will not be overlooked by the intelligent. The young Subaltern will not be displeased at being qualified to criticise the operations of his veteran superior, and the lady who having attained a respectable period of virginity is considered hors de combat and has no consolation left but to disparage those of her own sex who are among the first ranks of the gay warfare, will be happy to possess herself of so charming an auxiliary to her spirits and to the favourite topic of the tea table.

THE BORE-IFUGE.

This is another ointment for the eyes which operates in a contrary manner. The application of it being made previous to going into public or other places, where one is likely to be molested by poor and unfashionable relatives, duns, or other bores, occasions a temporary blindness in respect to these subjects of molestation and, of course, all the vexations and embarrassments occasionally experienced by people in high life from such quarters.

THE CORROBORATIVE ELIXIR.

The use of this preparation is to brace the nerves on occasions where the weaknesses of constitution or education might render us unequal to them. The bashful lover, the green-horn entering the field of dissipation, the maiden speaker, the Gentleman rusticated at an outstation, on visiting the Presidency, and the young Miss who hesitates at exposing herself in the various ways in which her seniors have attained notoriety, are peculiarly objects of this felicitous discovery. The inventor might allude to multitudinous situations where the want of nerve has occasioned disgrace and calamity, but he feels satisfied that this concise expose will sufficiently exhibit the inestimable value of the Elixir.

THE AURICULAR ALEXIPHARMIC.

To the classical world this appellative description will elucidate the properties and objects of the preparation it distinguishes—It is obvious, that, could we be rendered insensible to the unpleasant things that are said to us, much reference to pocket pistols, and other things equally annoying to delicate nerves, might be precluded. The coarse appeals of dunning tradesmen, the rude wigs of official superiors, the vulgar asperity of a Sir John Brute, the verbal hail-storms of a scolding wife, or the reproaches of a jilted lover, would be heard with indifference, nor would the remonstrances of parents or friends cause a moment's impression or uneasiness. PATHALEXIOS is gratified in being able to state, that, by a moderate dose taken at bed time, many desperate cases of curtain lectures have been got over with perfect success, and that the patients have been surprised to find their appetites so perfect at breakfast.

THE SYMPATHETIC DROPS.

This elegant article is more particularly calculated for the fair sex, and to that part of it, who are defective in those organs thro' which sympathy is externally manifested. The disparagement of character which, in this age of excessive sensibility, is involved in such defects, need not be insisted on to recommend an adequate attention to an article which supplies them. But a distinguishing beauty of it is, that it is only operative in cases where the sympathy called for is confined to tears and sighs, and thus the credit of sensibility is obtained without cost; and the heart may be poured out to the admiration of all without the pocket being poured out to the relief of any.

THE TOLERATIVE PILLS.

This is confidently recommended as a preventive of moral dyspepsias in certain cases. The difficulty that is often experienced in applauding the threadbare bon mots of a patron, or a murdered song, or in swallowing the disappointment of a promise from a great man, and the various ways in which injury may be sustained from a want of complacency under annoyances of such a nature, will illustrate the beneficial properties of this medicine, and constitute its own recommendation.

THE CATAPLASM OF HONOR.

This is a plaister for injured reputations of which alone the Inventor would have deemed half a century well spent in the discovery. In this age of chivalry when so much is assigned to honor and so little to religion, such a preparation speaks for itself. In reference, however, to the delicacy of the circumstances in which the plaister may be required to be applied, and the judgment and skill they may demand, PATHALEXIOS always gives his personal attendance, and specific directions as to future regimen. Female patients, and especially such as are married, he is desirous, for obvious reasons, seeing at his own house.

THE LABIAL EMOLLIENT.

This ointment being applied to the lips imparts a glowing warmth to language admirably adapted to give full effect to soft things addressed to the Fair sex, and to double entendres. The inventor can positively affirm, on unquestionable authority, that several persons now distinguished in society owe their elevation entirely to the use of the Emollient.

THE CARDIAC TINCTURE.

This is a remedy for palpitations of the heart. Candour however, compels the inventor to admit that it is efficacious only in the infancy of the amorous passion. The range of benefit that may flow thro' such a medium in this country need not be enlarged upon. The young Writer who risques disinheritance from a perverse parent by marrying on this side the Cape, and the old Veteran in the service who has cast a sheep's eye on some blooming maiden of a late importation, may equally avoid ruin of different kinds by a timely application to this valuable remedy. A friend's hand can convey it in connivance with the Butler, and the very bumper tossed off to the favourite Fair may be made the means of expelling her from the heart for ever.

THE DOMICULAR BALSAM.

This is another preparation peculiarly adapted to this country as a corrective of that disorder, called nostalgia, or violent desire to revisit one's native home. If it be considered how many gentlemen in both services, under the influence of this malady, either give them up in disgust, visit Europe inconveniently to themselves and families, or ultimately return thither without sufficient to meet growing expenses, the Inventor confidently anticipates the general approbation of the Indian world and its connections of this inestimable medicine.

N. B. The alterative of Temper, Envy's Balm, Scandalic Anti-impetigines, Anti-eautontimorumenos, and many other elegant preparations are to be had at the Moral Medicine Repository, Passion Street, Black Town, where Pathalexios regularly attends to give advice gratis.

A private door for the Ladies.

> CANST thou not minister to a mind diseased
> Root out the written troubles of the brain
> And with some sweet oblivious antidote
> Cleanse the foul bosom of that perilous stuff
> Which weighs upon the heart?

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AN OLD MAN, loquacious, & droll, supported his character with great eclat, and so as to escape detection even from those best acquainted with him. His Commanding Officer when asked " *w-h-atts*' his name" was unable to tell, but, as a stranger, asked him to take wine.

A PEON, obsequiously bowed about the room and was very solicitous for employment—A Bonny Scot told him " an he had got better *clais-on* he could have recommended him muckle service."

A DRUMMER of no mean performance marched at the head of a recruiting party—One solitary recruit was all the *Serjeant* could procure, he followed him as swift as a *hare*, to prevent his deserting, as he alledged to the Commander in Chief that he enlisted only for the Militia, but they had put him in the regulars and were going to send him to Java against the Dutch. As it appeared he never would *Con, way*, or steadiness to become a good soldier, he was ordered to be discharged, and we hear he is since returned to his former calling of *Wig-maker* to the army.

A VENDER OF RHUBARB trudged about the room strongly recommending the contents of his basket—We think we are not wrong in attributing this character to a very clever, agreeable, and highly good-humoured Lady. If she be *call'd well* by these appellations, 'tis not half what she deserves.

AN OLD MAID of a century ago, accompanied by her NIECE, was delightfully characterized, and supported with spirit. We are always pleased at every entertainment of this sort to see this Lady so *gay-a-gain*. She was rather testy and used her niece very roughly, who, if we *bar-low* spirits occasioned by such ill usage deserves honorable mention for the humility with which she received the chastisement of this termagant aunt.

A number of SAILORS, one of whom had evidently got his grog abroad, were amongst the most restless and lively characters in the room. One was accompanied by his wife, whom we understood him to have accidently met with in *Drury-lane*. Another, in the mask of a Caffry, kept so aloof from the real tars that we thought he must have been *goad-ed* into the service, rather than have entered it as a volunteer.

A FRENCH HAIR DRESSER, formerly a Marquis, was a facetious, pleasant fellow. He spoke the language with much fluency, knew well how to shave, gave a good combing to those who came in his way, and then brushed off with a puff to the next customer.

A Couple of smart young VALETS had all the pertness of that appendage of fashionable life. One of them put the following into the hands of the Company.

A CARD.

MRS. OAKES returns her sincere thanks to all her Friends and acquaintance now in company assembled, for their obliging condescension and civility in attending at her Masquerade, and she begs leave to request that they will further oblige her by continuing to keep it up until eight o'clock in the morning.

Madras, Choultry Plain, March 29, 1811.

AN OLD-CLOTHS-MAN most excellent. This was a capital representation of a Jew; he pilfered the effects of the company very dexterously and then offered them for sale to their owners " *quite a bargain*."

OBADIAH AND TABITHA PRIM, were well dressed, and their appearance as the stiff, formal quaker was very correct.

A mask personating the GREAT LAMBERT, supposed to be the largest man ever seen, was assumed by a most proper person, as a limb of the *oak* was required to sustain the weight of such a character.

JOHNS-SON AND DICKS-SON were attired us females. The latter as an OLD WOMAN, the former as a LADY IN THE HEIGHT OF THE FASHION; as we followed her we observed she was the most prominent figure in the room.

An almost Colossal figure, richly attired in blue and Gold and wearing an enormous Cocked Hat, strutted about as GENERAL DAENDELS, and attracted much notice.

MRS. LAPPETT a fashionable milliner deserves particular notice, as well for the spirit with which the character was supported, as on account of the hand bill which she presented to the Company.

BRIDGETTINA LAPPET,

FANCY DRESS MAKER,

TO HER LATE

IMPERIAL MAJESTY JOSEPHINE.

Having arrived from Paris, has opened a convenient and airy sett of Godowns opposite the Board of Trade, where she intends to carry on Business in the most private and confidential style.

LADIES fitted up in the most expeditions manner, and tight lacing performed by Monsieur LAPPET and able Assistants.

Bodies compressed to the highest state of perfection.

Young thin Ladies may be puffed up to resemble full grown Matrons, and to fit the Dresses made, from a pattern of the Empress LOUISA MARIA, three Months after Marriage.

Tunable false Rumps, an exact imitation of nature.

Invisible Petticoats of all sizes from a span in width to four cubits.

Elegant Gauze Handkerchiefs, with patent Spring Essentials.

Pads and Plumpers, a choice variety.

Rouge in small gally-Pots, for the use of Families.

Madame LAPPET has a new method of getting swelled feet into small Shoes without incommoding the wearer.

Van Butchell's spring Garters from Seven to Ten Pagodas a pair.

B. L. will engage to furnish Dresses for the Masquerade, under promise of secrecy, to enable GENTLEMEN to fit themselves with Breeches *for that night only*. Petticoats may be had for their Wives.

B. L. hopes that by her constant exertions she may deserve the approbation of the Madras Ladies, whose prevailing taste in Dress is so conspicuous, in all fashionable circles.

N. B. Alfred's Royal composition so much esteemed for removing superfluous Hair from the Arms, Face, Neck, &c. of the Ladies, to be had at the Godowns.

Monsieur LAPPET has also brought out a large assortment of Wigs suited to all ages, which he takes upon him to recommend, from having been a long time a Student under the celebrated Vicary, of Tavistock Street, London, and who is perfect master of the Engineer approach, Artillery attack, and Grenadier assault.

Also, Parisian Elastic Bottles expressly imported for the benefit of those Ladies, who are in the habit of using them to clear their complexions previous to appearing at a Ball, administered Gratis in the most delicate manner, if required, by Monsieur LAPPET and his Assistants in tight lacing, &c. &c.

TWO ITALIAN, AND FIVE SWISS PEASANTS, were distinguished by the neatness of their dress; and still more so by the elegance and grace of their persons.

AN ORANGE WOMAN with choice fruit and a Bill of the Play delivered out the following play-bill.

TO, THOSE WHO THINK, AND HAVE UNDERSTANDING.

ASIATIC THEATRICALS.

WHEREAS it is well known unto all Men, Women, Boys, Girls, and Children of either Sex, that in this remote Hemisphere, where Men seem like Monkies, and Women as Cangaroos, it is absolutely impracticable for the sons of Comus, to establish any thing like a good Play House; wherefore, I the undersigned do hereby give notice, unto all White Faces, that Mr. and Mrs. Oakes, have resolved to set forth a good example unto this Community, (the Native Ouran Outrangs, Cangaroos, Apes, Monkies, and other brutes excepted) and to entertain the said Community of the aforementioned White-Faces, with a Masquerade Ball and Supper. Now the meaning of a Masquerade is this—it inviteth certain people to assemble, for the purpose of revelry, and feasting, as hereafter explained—and this revelry signifieth whatever best coincideth with the genius, talent, imagination, sentiment, opinion, or understanding, of the persons attending: all which said genius, talent, imagination, sentiment, opinion, or understanding, are in duty bound, and shall by nature be inclined to promote the festivity of the said festival, to the mirth of all, and to the incumbrance of none—Wherefore this wonderful and all powerful conscripti, are in allegiance constrained to expel all sorts or kinds of annoyance whatsoever.—So that nothing but gaiety, and the exercitations of good humour may prevail throughout.—Furthermore, that is to say, the common acceptation and most welcome interpretation of a Ball and Supper is briefly this—To whom it shall be agreeable, certain Musicians, such as Drummers, Fifers, Fidlers, Flageletters, Tambariners, Basooners, and Pipers, will blow with their mouths and move their fingers in manner so wonderful, as to create harmonious sounds in concordance to the capers of many Feet; the number to be ascertained during the performance.—Now the Supper, is yet more generally understood and attended than either Masquerade or Ball. For there Squires Glutton, and Epicure, Madams Swig and Prig, have abundant opportunity of satiating their several desires. Here too, is to be found every Character in life, that may be worthy of imitation or observance—Captains Flash-in-the-Pan, Swagger, Mun-Chausen, Misters, Jim-Crack, God-damme, Shallow, Cockabo, Allspruce, Neat-and-tight, Degagé, Sangfroid, Misses, Screech, Odear, Good-law, Well-I declare, Prig, Tate, Can't Eat, No-Wine, Nervous, Heigho, &c. &c. &c.

Doors to be open at Nine—Admission terms—God manners.

" AX MY EYE."

A STAYMAKER distributed the following Card.

TO THE FASHIONABLES OF INDIA.

MESSIEURS WHALEBONE and ELASTIC, from Choultry Street, Condapilly, make and repair Ladies Gowns, and Patent Pads; will be answerable for making the latter Article, to resemble Nature so correctly, that the most prying eye cannot discern the deception, which it is too evident, is at present very far from being the case. Those Ladies who will favour Messieurs W. and E. with their commands, may depend upon Secrecy, and trust, that the improvements they have made in the art of Padmaking, will ensure them the future patronage of the Ladies of the Settlement.

N. B. Letters post paid, addressed to Messieurs F. and G. Cossitullah Street, Calcutta, Agents to Messrs. W. and E. will be strictly attended to.

N. B. Battered Beaux fitted with false Calves.

A PROMOTER OF MATRIMONY offered her Services by the following Bill of her School.

MRS. PENELOPE PLASTIC.

(from the first circles of beauty, rank and fashion in England.)

Proposes to instruct her unmarried countrywomen in the formation of their persons, manners and dispositions, with a view to the practical purposes of establishing them in matrimony to the best advantage, and of promoting the husband-like contentment and cultation of the happy mortals on whom their fairhands may be bestowed.

Mrs. Plastic stands unrivalled in her discernment of the natural capability and characteristic excellence of her pupils; and, as the taste of the men is not less diversified than the talents of the softer sex, she gives an unrestrained scope to the description of genii, with which her disciples are respectively endowed. Some of her Scholars owe their success in life to timid reserve and bewitching tenderness, others to boisterous romping and frank familiarity;—Some to the strictness of a prude, others to the vivacity of a coquette—Some to tight laced stays, others to negligent dishabille;—some to learning, others to ignorance;—some to the cant of methodism, others to the philosophy of free-thinking and atheism. The choice from among these various arts must be regulated not altogether by the capability of the damsels, but in part also by the dispositions of the swains on whom they are to be practised. The right end of woman being to circumvent man, whatever means are best calculated to succeed ought to be employed; and Mrs. PLASTIC's skill consists in making the most dexterous use of the peculiar sort of means with which nature has provided each of her daughters.

The terms on which Mrs. PLASTIC'S assistance may be obtained are proportioned to the success attending it, viz. 100 Pagodas for each Lover, and 1,000 for each Husband.

Mrs. PLASTIC takes the liberty of remarking that the encrease of population and the general happiness of the community are concerned in her exertions, as well as the particular views of fair individuals: and she therefore rests assured of receiving alike from maternal solicitude, from maidenly ambition, and from patriotic zeal, that countenance and encouragement which universal suffrage has hitherto adjudged as the meed of her desert.

A COACHMAN was properly caparisoned, but found no use for his whip.

A CORNISHMAN was dressed and supported with much spirit. Altho' much attacked he never allowed himself to be *harrassed* by any thing that was said to him.

AN excellent group of BACCHANALIANS AND BACCHANTES, with Bacchus and Old Silenus at their head entered the room late in the evening, and gave a new and pleasing turn to the attention of all.

They sung some very appropriate glees which were deservedly applauded. These merry Baccanalians continued their progress thro' the room with Pipe and Tabor till the signal was given for proceeding to the pavilion appropriated to the Supper.

We must now conclude our account of Characters with a general enumeration of those that remain, as far as our recollection will serve. A WAGGONER, A CLOWN, A COUNTRYMAN, AND HIS WIFE, A STAYMAKER, A QUARTER MASTER GENERAL, THE QUEEN OF SHEBA, A MAN AND HIS WIFE *quarrelling*, A MAGICIAN, A WET-NURSE, THE GODDESS OF FOLLY AND HER DAUGHTER, &c &c &c. served to make up the number of characters to upwards of an hundred

THE PANDAL erected for the supper was a very elegant and spacious building—The Cieling was covered with white cloth, richly ornamented with stars of gold, and supported by numerous Pillars. From the lofty ceiling hung several large and richly cut Chandeliers, and the illumination was completed by numerous coloured lamps. The Supper and Wines were of the first order. After a short refreshment the Company returned to the house, where the Country dances began, and were continued with spirit and vivacity until gun-fire in the morning.

After this a large portion of the Company sat down to a second supper. when the party were regaled by a few select songs by Mr. Pitt, and Lieut. Dillon, and in the enjoyment of their festivity the party reproached the velocity of time, when the rising sun appeared as the signal for their departure.

To CAPTAIN P. SMYTH,

Commanding the Bombay Anna.

SIR,

We the Officers of his Majesty's 69th Regiment, passengers on board your Ship, being now on the eve of leaving you, beg leave to offer our best thanks for your invariable kind attention to the comforts and convenience of both Officers and Men.

In testimony of which we request your acceptance of a piece of Plate to the value of 100 Pound Sterling.

With every wish for your success and happiness. We have the honor to subscribe ourselves,

SIR,

Your very obedient and humble Servants,

William Macleod, Lieutenant Colonel,—Daniel Dodgin, Major,—Henry De la Douespe, Captain,—G E. P Barlow, Captain,—William Carrol, Captain,—William A. Hipkins, Lieutenant,—Thomas P. Mitchell, Lieutenant,—Matthew Gunning, Lieutenant,—William N. Covell, Lieutenant,—Matthew Jenour, Lieut.—William H. West, Lieutenant,—John Foulston, Lieutenant,—Thomas Nadald, Lieut.—Isaac Downing, Lieutenant and Adjutant,—William Henry, Quarter Master,—Francis Maguire, Surgeon,—William Cringan, Assistant Surgeon.

RODERIGUEZ HARBOUR, 1st *July*, 1810.

To LIEUT. COL. MACLEOD,

and the Officers composing the Detachment of H. M. 69th Regt. in the Anna, from Madras.

GENTLEMEN,

I have the honor to acknowledge the receipt of yours conveying the flattering and unexpected testimonial of your approbation of my conduct during our passage from Madras, I beg to assure you I feel much gratified to have been in any degree conducive to the comfort, and convenience of such a body of Officers and Men. I have the honor to be, Gentlemen, with much respect and esteem,

Your most obedient humble Servt.

F. SMITH,

ANNA, RODRIGUEZ, *July* 2, 1810.

MADRAS.

BIRTH.—At Bellary, in the Ceded Districts, on the 20th instant, the Lady of John Duncan, Esq. of a Son.

DEATHS.—On Tuesday last the 26th Instant, Mr. Robert Thornton, Teacher at Mr. Weeden's Academy.

At Sea on the 19th February, Assistant Surgeon Edward Hyde Gramnck, of His Majesty's 1st Battalion 84th Regiment.

At Negapatam, on the 20th instant, Mr. Thomas Jones, Merchant of Trichinopoly.

On Friday last, Ensign E. Winchester, of the 1st Bat. 7th Regt. N. I.

On the 31st March, Mr. James Ranken, late merchant of Madras, a respectable man, and much esteemed by all who knew him.

BENGAL.

MARRIAGES.—On Tuesday the 12th Instant, at the house of N. B. Edmonstone, Esq. by the Revd. Thomas Thomason, Phillip Touckton, Esq. of the H. C. Civil Service, to Miss Harriett Carter.

On the 8th inst. Ensign George Henry Hutchins, 15th Regt. N. I. to Miss Mary Ann Haigh.

On the 9th inst. Mr. James Satchell, to Mrs. Roza Gomis.

BIRTHS.—On the 9th inst. Mrs. George Harrison, of a son.

At Berhampore, on the 2d inst. the Lady of Captain Christopher Fagan, of a Son.

At Purneah, on the 3d inst. the Lady of Captain Irwin Maling, of a Son.

At Berhampore, on the 9th inst. the Lady of Captain J. Canning, Commanding Provincial Battalion of Moorshedabad, of a Daughter.

On the 2d inst. at Balasore, the Lady of Lieutenant and Adjutant Burton, of a Daughter.

DEATHS.—On Thursday last, Mr. Henry Bain, assistant teacher at the Lower Orphan School.

On Monday, the 11th instant, Mr. Robert Stewart, of the Firm of Stewart and Morrison, aged 59 years.

On Thursday last, Master Thomas Brietzcke Hollinbery, aged two years and six months.

On the 1st instant, at the Jumna Ghaut, of a locked jaw, John Garrack, Esq. Assistant Surgeon, on this Establishment.

BOMBAY.

MARRIAGE.—On the 18th of Feb. at Kaira, Lieut. Bromley, Line Adjutant to the Troops at Kaira,—to Miss Capon, daughter of the late Lieutenant Colonel Capon, of this Establishment.

DEATHS.—On Saturday the 9th instant, Captain James M. Robertson, late Commander of the ship Asia, of this port.

On the 10th inst. after a short illness Sherriffdeen Wurwundy, Commandant of the Invalid Pension List, and the last, but one of that Rank on this Establishment, remaining on the Bounty of the Hon'ble Company.

ARRIVALS.—Captain Degraves, 1st Bat. 8th Regt.—Captain A Dalrymple, 25th Dragoons,—Capt. C. Povoleri, 23d Regt.—Captain Hall, 22d Dragoons.—Lieut. Law, 24th Regt.—Lieut Stewart, 14th Regt.—Lieut. Webster, 1st 21st Regt —Lieut. W. H. Dennie, H. M. 22d Regt.—and Assistant Surgeon Ballengow, Royals

DEPARTURES.—Captain Walker, 14th Regt.—Capt. R. H. Fotheringham,—and Lieutenant Newman, 15th Regiment.

We have been favored with some Newspapers of the Isle of France, from which we have extracted and translated the following official documents, and other articles of intelligence.

ISLE OF FRANCE GAZETTE.

WEDNESDAY, JAN. 9. 1811.

PORT LOUIS, DECEMBER 6, 1810.

G. O BY GOVERNMENT.

General Orders by the Honorable R. T. FARQUHAR, *Governor of the Isle of France, Bourbon and their dependencies.*

The Right Honorable the Governor General of India having been pleased to appoint Major A. Barry, to be Chief Secretary to Government, his appointment as such is hereby notified accordingly. The appointments of Lieutenant Erskine and Ensign Moberly, as assistants in the Chief Secretary's office are extended to the Isle of France. Captain Hewitt of his Majesty's 1st Ceylon Regt. is appointed Military Secretary to the Honorable the Governor.

Captain Carroll, of his Majesty's 69th Regiment and Lieutenant Poggenpohl, of the Madras Artillery are appointed Aides de Camp to the Governor.

Captain Lambert of the Madras Native Infantry, late Town Major of St. Denis, is appointed Town Major of Port Louis.

Mr. Kelso's appointment as assistant in the Chief Secretary's office in Bourbon extended to the Isle of France. In conformity with the desire of the Governor General of India, Major Wegenlin, Deputy Commissary General in Bengal, is appointed Commissary General for the Isle of France, Bourbon and their dependencies—he is to have charge and controul over the supplies for the whole of the island. Major Wegelin is to send in the General accounts of his department to the Bengal Presidency, all the other officers in the department are to send in their accounts to Major Wegealin and to be under his general direction and controul.

On the same principle of bringing all the Pay accounts of these Islands generally under one Presidency—The Right Honorable the Governor General of India has been pleased to direct that Mr. Playfair shall have the superintending authority and controul over the Pay Department, and he is accordingly appointed Deputy Paymaster General for the Islands of France and Bourbon and all other officers in the department are to send in their accounts to Mr. Playfair and consider themselves under his general direction.

Captain Newall will continue to take account and charge of all public property on the part of Government in concert with the Agents of the Army.

(Signed) A. BARRY, Chief Sec. to Govt

Port Louis, 11th December, 1810.

G. O. BY GOVERNMENT,

His Excellency the Commander in Chief having judged it expedient to continue Major Gen. Warde in the command of the troops serving on this Island and its dependencies, and his Excellency having at the same time recommended that 2000 Rupees per month, should be granted to Major General Warde, in addition to the allowances drawn by him as a General Officer on the Staff of the Madras Establishment—The Honorable the Governor is pleased to authorize Major General Warde to draw the same from the 4th instant.

The Troops from the Cape who have joined the expedition against this Island, are to be placed in point of allowances on the same footing as those serving on the Madras Presidency, a deduction being made of such advance as may have been issued on account of the European Field allowance termed Batta.

The Indian allowances to the Cape Troops will commence from the day of their arrival at Rodrigues,

(Signed) A. BARRY, Chief Sec. to Govt

Port Louis, 12th December, 1810.

G. O. BY GOVERNMENT,

According to the directions of the Right Honorable the Governor General of India, Captain Douglas is appointed Master Attendant of Port Louis.

(Signed) A. BARRY, Chief Sec. to Govt

Vol. 27, No. 1330. MADRAS COURIER. April 2, 1811.

Port Louis, 11th December, 1810.

G. O. BY GOVERNMENT,

At the recommendation of his Excellency the Commander in Chief, the Honorable the Governor has been pleased to make the following appointments.

Ensign Duckenfield of his Majesty's 1st Foot Guards, is appointed Military Secretary to the Commander of the Forces serving on this Island and its dependencies.

Captain Forbes of his Majesty's 78th Regiment is appointed Deputy Judge Advocate General to the troops serving on this Island and its dependencies.

Lieutenant Blacker, Madras Native Cavalry, is appointed Aide-de-Camp to his Excellency the Commander in Chief.

(Signed) A. BARRY, Chief Sect. to Govt.

Port Louis, 20th Dec. 1810.

G. O. BY GOVERNMENT,

Captain Lambert, of the 13th Madras Native Infantry, Town Major of Port Louis, will act as Aide-de-camp to the Honorable the Governor, during the absence of Capt Carroll.

(Signed) A. BARRY, Chief Sec. to Govt.

Port Louis. 20th Dec. 1810.

G. O. BY GOVERNMENT,

At the recommendation of his Excellency Lieut. Gen. the Honorable John Abercromby, the Honorable the Governor is pleased to direct that his Majesty's 22d Regt. should be paid agreeable to the pay & allowances established for King's Troops at Fort St. George.

It is the direction of the Honorable the Governor that in consequence of Captain Syms' departure for Madras, the troops forming the division of which he was appointed Paymaster, will be paid in future by Lieut. Montague, Paymaster to the Bengal division.

Arrears of every description to the 1st, and pay to the 24th of December will be paid by Captain Syms who will grant the Certificates requisite to enable Lieut. Montague to commence his payments from that period.

The General Staff as well as that attached to particular departments on the Island, and all contingences will be paid by the Deputy Paymaster General.

Lieut. Playfair, Deputy Paymaster General, is directed to pay the Commanders of Transports, appointed to carry troops to Fort St. George, an advance of fifty-six days table allowance at the same rate as authorised by the Government of that Presidency, to Commanders of Ships on the present expedition.

(Signed) A. BARRY, Chief Sec. to Govt.

PROCLAMATION.

In the name of His Majesty George the 3d, King of the United Kingdoms of Great Britain and Ireland.

The King of Great Britain, has subdued the Isle of France by the force of arms—This island now belongs to England by the right of conquest. It is in this state of things, that in the name of the King of Great Britain, who has acquired by conquest the sovereignty of that Island, we consider it as a legitimate and indispensable act, to unite its inhabitants by the oath of fidelity to the Monarch who now has the right to govern them—We are far from supposing that the disquiets which have arisen, in consequence of this oath will be general, nor that the persons who have so expressed it to us are the interpreters of a sentiment, in which all the colonists partake; for there can only be one form for an oath; and which is called the oath of Allegiance, and includes *fidelity*, *obedience*, and *submission*.—To swear *obedience* and *submission* only will be considered as nothing because a Government, which by the force of arms has conquered a country, has the power to make itself *obeyed*. To swear *fidelity* makes a man a subject of the Monarch to whom he gives the oath, and he then acquires the necessary title to the enjoyment of the same advantages as his other subjects. It is not in the power of any government to give *protection*, and *privileges* to those who do not take the *oath of allegiance*. As this reasoning cannot be contradicted, and is according to the capitulation, which must be sacred, it is clear that the inhabitants of this Island, must consider themselves, as subjects of His Britannic Majesty, or as conquered enemies.—In the last case and according to the 9th article they must quit the Island in two years, those who wish to enjoy the benefit of this article of the capitulation, have only to declare it, and the oath of allegiance will not be exacted from them—but they will be obliged to furnish Government with a sufficient guarantee that they will not disturb the public tranquillity, nor do any act to the prejudice of the English Government.—Nobody can be more desirous than I am to ensure happiness, and the most extensive advantages, to the inhabitants of these colonies; yet there is a more sacred duty imposed upon me in this case, it is that which I owe to my Sovereign, and from which I cannot relax, altho' the interest of particular persons may suffer in consequence. Should this happen, I am fully convinced that it will not arise from having taken the usual oath of allegiance, but in consequence of the tyranical measures of the French Government.—Shall I not become culpable towards my King and Country, if by weakness, I consented to assist and sanction such unjust acts.—The Sovereign *who will not or cannot* protect his subjects, or his colonies, loses the right to exact from them every kind of sacrifice, and devotion. It is in vain for him or his agents to endeavour to preserve his influence over his late subjects, by threatening them with vengeance, as unjust as it is contrary to the law of nations; he cannot hope that England will lend her hand to serve his tyrannic system nor believe that because he is unjust, the English Govt. will become weak. It is notorious that the inhabitants of these colonies, and they are obliged to confess it themselves, groaned under a Government, who had not the power to protect, or even send them succours; for in sending frigates, here, had the French Government in view to procure supplies or comforts to the inhabitants of these Islands? No; they wished only to do all the mischief possible to the British Commerce. On the one hand she has toil'd only to draw down on her colonies the indignation of a powerful nation, without, on the other, making the least effort to support them against the effects of its vengeance.—Happily for the inhabitants of these colonies the animosity excited by their Government has not in the least altered the generous sentiments of a nation whose chief glory it is, after having conquered, to offer good will, protection, and plenty, instead of tyranny, injustice, and every species of calamity with which they have been overwhelmed.

It is known that the partizans of the French Government, on their departure, asserted that these colonies would revert to France at a peace. Thus it is that after having reduced them to the lowest state of misery, they endeavour, when leaving them, to alarm the inhabitants with respect to their future lot. Those who have been the most active to produce these impressions know very well that in the actual state of the political world, there is no more probability of their being given up to France than of their being retaken in the course of the war.

If our duty demands us to remain inflexible in regard to the oath government has a right to exact from the inhabitants of this Island, we can also promise to their families *that the Sovereign to whom this valuable Colony henceforth belongs*, will only use the right obtained by conquest to ensure their happiness.

Port Louis, Isle of France, 31st Dec. 1810.

By order of

R. T. FARQUHAR,

Governor of the Isles of France, Bourbon and its Dependencies.

A BARRY,

Chief Secretary to Government.

ADVERTISEMENT.

All persons to whom the French Government of these Colonies have allowed pensions, refuge or indemnity, or by whatever title or denomination the same may be called, are ordered to present themselves before the Chief Secretary to Government, and produce all the necessary proofs, and make known the rights which they may have to a continuation of the same Indulgence under the present Government.

Port Louis. Isle of France, 9th Jan. 1811.

By Order

A. BARRY,

Chief Secretary to Government.

FORT LOUIS.

On Saturday last anchored in these roads the French Bark La Mouche, No. 8, from Bayonne the 7th September, not being apprised of the capture of the Isle of France. Some troops were sent on board, and surprised them. The Captain of the Mouche was eager to throw the ministerial Packets over-board, but they were seized by the troops, and are in possession of Government.

We learn by the Mouche, that the War was carried on very actively in various parts of Spain, and that at his departure Cadiz opposed the same resistance to the French: Valencia, Carthagena and Ferrol, were in possession of the Spaniards, nevertheless the number of troops that Bonaparte had directed to proceed to Spain left no doubt with him as to its entire conquest.

The army of Massena still made advances on Portugal, and it was confidently expected that shortly there would be a decisive battle.

The North was tranquil. The relations of amity which exist among the great powers of the Continent, seem to promise them some repose.

It is said that the French Government intend to send Mr. Mantchoise to releave Captain General De Caen.

The account of a change in the French Ministry appears to be true, it is said that Mr. Decres was to be Minister of the interior, or for foreign affairs, and that he was to be succeeded by Mr. Cofarelly, maritime prefect of Brest.—It was doubtful whether Lucien Bonaparte, and Louis his brother formerly King of Holland, had not gone to the United States.

Mr. Victor Duperre' received by this occasion the cross of the Legion of Honor.

The same day arrived the Cartel which was dispatched from this Colony to the Cape of Good Hope last October, she brings back 340 Marines and Soldiers, taken in the French Frigate La Caroline, at Bourbon, and the troops who were in Garrison at the time she was taken.

Tuesday last having been New Years Day, there was a Ball, Supper and Fireworks. A number of Families being in Mourning, the Company were not so numerous, as the number of invitations led to expect; notwithstanding which the Company were numerous, and did not break up till 6 o'clock the next Morning.

The affability of the Governor and the attentions of Mrs. Farquhar, delighted all her visitors. The absence of General Abercromby was much regretted, as pleasure is always derived for the sight of those who have acquired a right to the esteem and remembrance of a whole country.

ISLE OF FRANCE.

Port regulations and instructions.

On the arrival of every vessel, when she is in perfect safety, the master or supercargo is upon coming on shore immediately to wait on his Excellency the Governor to answer any enquiries he may have to make; and thence to proceed to the Custom-house with the ship's papers and there to give security for complying with the port regulation and to lodge a certificate of having done so, at the Port Office, where the address or intended place of abode on shore of every such master and supercargo is to be given in writing.

All Letters, packets and parcels in possession of the said masters, supercargos and the passengers, are to be delivered at the office of the Port Captain in order that they may be immediately forwarded to the Post-Office.

Notice in writing must be given at the Custom-house of the departure of every vessel at the least 48 hours previous thereto, and a union jack or ensign at the mein top gallant mast head must be worn by every vessel from the time of delivering in the said notice until her departure.

All pilotage and Port dues are to be paid into the Port office, and masters of ships are to give certificates to the pilots of their having carried them in and out in safety.

Before any vessel shall be allowed to clear out at the Custom house, the collector must be furnished with the Port Captain's certificate of the whole of the port dues being paid, and this regulation and port instructions being complied with.

Goods, wares or Merchandizes shall not be attempted to be shipped, transhipped or brought on shore without a regular permit from the Custom-house, which is to particularize the numbers and sorts of all packages whatever and their contents, nor will any boats be permitted to land goods (except king's stores) any where but at the public wharf without written leave from the Custom-house, and when landed all articles must be taken away within 24 hours or they will be liable to seizure.

Deserters from his Majesty's navy and army & those from the service of the East India Company and runaway slaves are not to be concealed or harboured on board any vessel under the usual consequences and penalties, and that of the vessel not being allowed a port clearance.

Seamen, landmen or persons found on this Island, or within its roads, Ports or Harbours are not to be harboured or received on board of any ship, without a Certificate from the Commanding Officer of his Majesty's ships in case of seamen, and from the Captain of the Port in case of landmen.

Passengers or persons landing from vessels are not to be left on shore on this Island, without permission in writing to be obtained from the office of the Chief Secretary to Government; and all persons deserting or absenting themselves from vessels are to be notified at the Port and Police Offices that they may be apprehended as soon as possible.

Boats are not to be permitted to remain on shore after gun fire at night, except in cases where the public services require any vessel to be quickly watered.

All vessels entering Port-Louis & taking pilots shall be obliged to receive the assistance sent by the Port-Office.

British vessels under 100 tons burthen are to be allowed to be warped in, but they must be moored in the berths pointed out by the Port-Captain.

No vessel shall enter further in than the guard ship before her gunpowder is taken out and the pilots are strictly forbidden to carry them higher up till this order has been complied with and all her guns drawn.

Pilots are not to moor vessels they bring in till the Captain of the Port has pointed out the place where each respectively is to remain. All vessels must have two anchors out forward and one astern with buoys upon them, and in the bad season, all persons shall be obliged to give such additional security to their ships as the Port-Captain shall think proper, and always keep their yards and top masts struck till they are ready to sail.

No vessel when moored shall be shifted without leave from the Port-Captain.

Vessels at anchor in the harbor are to have the fires on board them put out at 8 o'Clock in the evening, and not to be allowed to relight them till day break, and every necessary precaution is to be attended to on board each vessel in order to prevent accident by fire. No fire will be allowed on board vessels laying in Trou Fanfaron.

All vessels made fast to the buoys are to be obliged to bear the hawsers of any vessel in motion and having a pilot on board, and a refusal in any such case or the act of casting off the hawser, shall render them answerable for every accident and all damages.

Vessels shall not be allowed to have guns scaled or to fire salutes, or guns or small or any fire arms, while in Harbour without the permission of the Capt. of the Port, under pain of being holden answerable for every accident and damage therefrom and being denied a port clearance.

Dirt or ballast shall not be thrown from any vessel into the Harbour, under the penalty of paying for the clearing and heaving up the same or a like quantity. A boat will be sent round once a week or oftener if necessary to receive dirt and carry the same on shore.

In order to be allowed to discharge ballast applications to be made to the Port-Captain, who will grant permission and point out where it is to be thrown.

Boats shall not be allowed to be hauled up on the slips of the Government wharfs without leave from the Captain of the Port.

When a vessel shall be laid up the owner or Master shall provide a white man to watch over his ship in default of which one will be provided at the owners expence.

In case of fire in the roads or on shore, each ship shall send such assistance as she may be enabled, such as buckets, axes, mauls, etc.

Every master is most strictly prohibited from allowing any person to land from his vessel till after the same shall be visited by the officer of health and a certificate from him shall be obtained, and any person concealing or not giving notice to the health-officer of any contagious disease then or lately existing in his vessel will be dealt with in the severest manner.

Every vessel coming into Harbour shall have a jack hoisted at the fore top gallant mast head where it shall be kept flying till a certificate from the health officer be obtained: when the jack is to be hoisted at the main and kept flying there for 24 hours.

Pilots are not to bring any vessel above the guard ship till she has obtained a certificate from the officer of health.

Port Louis Isle of France the 5th. january 1811.

By order of his Excellency the Governor,

A. BARRY, Chief Secretary.

ADVERTISEMENT.

Tenders will be received at the office of the prize Agent until the 24th inst. inclusive for the undermentioned ships now laying in the Harbour of Port Louis. viz.

The Melville, The Perseverance, The Robuste, The Henry Wellesly, The Hope, The Althea, The Fanny, The Marie.

Such persons as may wish to purchase these ships are informed that regular bills of sale will be furnished them to their entire satisfaction. Further notice will be given when the remaining captured ships are to be sold.

CALCUTTA GAZETTE.

THURSDAY, MARCH 14, 1811.

CIVIL APPOINTMENTS.

Mr. C. T. Metcalfe, to be Resident at Delhi.

Mr. Richard Strachey, to be Resident at the Court of Dowlut Rao Scindeah.

Mr. Gordon Forbes, to be Superintendant at Chandernagore, and Commissioner for Chinsurah and Serampore.

MARCH 2. 1811.

Mr. J. Marjoribanks, Collector of the District of Bundlecund.

MARCH 6, 1811.

Mr. Thomas Inglis, to officiate as second Assistant to the Export Warehouse Keeper, and Deputy Appraiser of Piece Goods at the Custom House, during the absence of Mr Hope.

Mr. H. H. Wilson, to officiate as Assay Master, during the absence of Dr Leyden.

MARCH 8, 1811.

Mr. R. H. Tulloh, Superintendant of Stamps.

MARCH 9, 1811.

Mr. W. Thomas Toone, Assistant to the Commercial Resident at Patna.

MARCH 12, 1811.

Mr. C. W. Gardiner, to officiate as Secretary to the Government in the Military Department.

General Orders, by the Right Honorable the Governor General in Council.

FORT WILLIAM, MARCH 6, 1811.

The Right Honorable the Governor General in Council is pleased to direct, that the following General Orders, dated the 15th March 1804, be re-published for general information.

"Considerable inconvenience being experienced from granting at this Presidency to Officers belonging to Corps serving under the Presidencies of Fort St. George and Bombay, Advances of Money on account of 'Pay and Allowances,' or of 'Passage Money,' it is hereby ordered, with a view to prevent irregularities in the Public Accounts, and also to accommodate Individuals, that all Officers of the above description, who shall be desirous of receiving Money at Fort William, either to enable them to procure Passages for the purpose of joining their Corps, or to enable them to defray their immediate expenses, shall submit their applications to the Governor General in Council, through the proper channel, for an 'Advance on Account,' specifying the amount they are desirous of receiving, without stating whether such Advance is on account of Pay or Batta, or Passage Money, the public Officers of the Government not being competent to ascertain the particular Allowances, or their amount, to which the Officers may be entitled under the internal Regulations of the Government under which their Corps are serving."

C. W. GARDINER,

Assist. Sec. to Govt.

Mil. Dept.

FORT WILLIAM, MARCH 12, 1811.

His Excellency the Vice President in Council is pleased to direct, that the following Copy and Translation of a Certificate from Captain Dejean Hillaire, Commissary for the exchange of Prisoners of War on the part of the late Government of the Isle of France, declaring all British Officers and Subjects of whatever rank, who were Prisoners of War to that Government and on Parole, to be exchanged and liberated from the obligation of their Paroles, be published for the information of all persons under the authority of this Presidency, whom it may concern.

By Order of His Excellency

The Vice President in Council,

N. B. EDMONSTONE,

Chief Sec. to Govt.

Certificate (on the part of the French Government) of the Exchange of Prisoners of War.

I, the undersigned, charged by His Excellency General De Caen, Grand Officer of the Legion of Honor, in his capacity of Captain General of the French Establishments to the Eastward of the Cape of Good Hope, with the exercise of the functions of Commissary of the French Government, for the adjustment of all matters relating to Prisoners of War on Parole, and others, restored subsequently to the Cartel of Exchange established for the Seas of Asia, on the Third of February, One Thousand Eight Hundred and Ten;—for which purpose, Official Copies of the Papers relative to the different Restorations have been furnished to me by the Government of the Isle of France; and adverting to the articles of my instructions, which authorizes me in cases unforeseen, to do whatever may appear to me to be the best and most advantageous to the service of His Majesty the Emperor and King.

Considering that in the present state of things, it is proper definitively to fix the balance that must remain on account of the Exchange of Prisoners, in favor of the French Government.

Considering that this balance cannot be well determined, but by carrying to the credit of the French Government, the number of Prisoners necessary to form an equivalent for the Exchange of English Officers still on Parole.

Considering that by the establishment of this balance, as the result of the account in which all the Prisoners of War without distinction, whether those on Parole, or others, who have hitherto been captured in the Seas of Asia are included, every thing relative to the Exchange of Prisoners, is definitely settled in a manner beneficial to both Governments.

Considering that His Excellency the Governor General has for the purpose of liquidating the balance due to the French Government, adopted measures for sending back to France with the least possible delay, as an exchange, all the European Prisoners of War taken at the Capture of Bourbon, and also the Crew of His Majesty's frigate La Venus.

Considering finally, that His Excellency the Governor General moreover engages (in the event of the entire liquidation of the balance not being found to have been effected by the measures adopted) to accomplish it in the most convenient manner, and with the least possible delay.

Having duly attended to and considered all these points, DO CERTIFY, that all Prisoners of War, General Officers and others, Military and Naval of whatever rank in the Service of His Britannic Majesty, and who are borne on the general account of Exchange, with the number equivalent to their respective ranks, conformably to the Cartel Exchange established to the Eastward of the Cape of Good Hope; have been released from their Parole of Honor, and are personally free from the engagement they were under, not to serve until exchanged.

Done at Calcutta, the 21st February 1811.

The Commissary for the Exchange of Prisoners.

(Signed) DE JOHN HILLAIRE

Additional passengers proceeding from Bengal, per John Palmer.

Mrs. Raban and Child,—Mrs. Reid and three Children,—Mrs. Boyd and Child,—Mrs. Wilson, —Lieutant and Mrs. Burroughs and Child.

The Honorable Company's ship City of London, Captain Kidd, is preparing for sea, and will sail for England about the 10th of next month.

BENGAL HURKARU,

SATURDAY, MARCH 16, 1811.

We have just heard the arrival of the Margaret Frances, Captain Williams from Bencoolen,—left it 10th ultimo. No news has yet reached town by this vessel, except the arrival of Mr. and Mrs. Siddons. And the death of Edward Coles, Esq. of the Civil Service on the Bencoolen Establishment.

The homeward bound Fleet, consisting of the Honorable Company's ships Astell, Diana, Lord Keith and the private ships John Palmer and Auspicious, sailed from Saugor on Tuesday morning. The Right Honorable the Governor Gen. in the Mornington Cruizer, with the Georgiana packet and the Minto schooner, passed Saugor on Wednesday last.

The Hon'ble Company's Packet Georgiana, is to accompany the Mornington to a certain latitude in the Bay of Bengal.

CEYLON GOVT. GAZETTE.

WEDNESDAY, MARCH 13, 1811.

CIVIL APPOINTMENT, March 13.

Captain Henderson, of the Royal Engineers, to act as Surveyor General during the absence of Geo. Atkinson, Esq.

By His Excellency's Command,
(Signed) JOHN RODNEY,
Chief Sec. to Govt.

Head Quarters: Mount Lavinia, March 12, 1811.

GENERAL ORDERS.

The following Officers have obtained leave of absence to proceed to Europe, for twelve months.

Lieutenant Colonel Bridges, of the Royal Engineers on his private affairs

Captain Nicholls, 66th Regiment, do. do.

Surgeon Bath, 1st Ceylon Regt. do. do.

Lieutenant Lamphier, 19th Regt. do. do.

Lieutenant Moffatt, 1st Ceylon Regiment, on Medical Certificate.

Second Lieutenant Shoreditch, 3d Ceylon Regiment on Medical Certificate.

Quarter Master Taylor, 3d Ceylon Regiment, on Medical Certificate.

Ensign Young, 66th Regiment, has also obtained leave of absence for six months, to proceed to St. Helena, or eventually to Europe, for the benefit of his health.

Lieutenant Taree, 3d Ceylon Regiment, will resume the duties of his situation as Fort Adjutant of Jaffna, and the appointment of Lieutenant Hay, to that Office is cancelled.

Second Lieutenant Roberts, 2d Ceylon Regiment, is appointed to the Command at Hambantote from the 1st instant.

By the Lieutenant General's Command,
(Signed) L. A. DENOE,
Major of Brigade to the Forces.

FROM THE LONDON GAZETTE.

BY EXPRESS.

QUEEN'S PALACE, 22D AUGUST.

His Majesty has been pleased to appoint his Grace the Duke of Beaufort, to be Lord Lieutenant of the County of Gloucester, of the City of Bristol, and County of the same, and of the City of Gloucester, and County of the same.

DOWNING-STREET, AUGUST 23.—The King has been pleased to appoint R. Gordon, Esp. to be his Majesty's Governor of the colony of Berbice.

Commissioner Puget,

DOTH hereby give notice, that on Saturday the first day of June next, he will be ready to receive Tenders in writing, sealed up with wax, for supplying the undermentioned Articles of Slop Cloathing, for the use of the Seamen, serving on board his Majesty's Ships in Madras Roads, viz.

Five thousand White Callico Shirts for Men.
One thousand ditto ditto for Boys.
Five thousand pair of light Canvas Trowsers.................. for Men.
One thousand ditto ditto for Boys.
Five thousand Frocks of light Canvas.......................... for Men.
One thousand ditto ditto for Boys.
Three thousand five hundred pairs of White Callico Trowsers for Men.
Five hundred pairs of ditto ditto for Boys.
One thousand seven hundred pairs of Shoes.................... for Men.
Three hundred pairs of ditto, for Boys.
One thousand seven hundred Straw Hats......................... for Men.
Three hundred ditto.......... for Boys.
Eight hundred and fifty Blue Cloth Jackets..................... for Men.
One hundred and fifty ditto for Boys.
Eight hundred and fifty pairs of Blue Cloth Trowsers.......... for Men.
One hundred and fifty ditto for Boys.
Five thousand yards of White Callico for Shirts.
Five thousand yards of light Canvas for Frocks and Trowsers.

Patterns of the Materials for making those Articles of Slop Cloathing are to be seen at the Commissioner's Office.—Half the quantity now advertised for is to be delivered at the King's Store Houses, on the first day of August next, and the remainder by the first of October following, free of all charges, and risk to His Majesty.

The conditions of this contract may be seen by applying to Mr. WILLIAM TAYLOR, the Acting Naval Officer, at his Office, on the North Beach.

No regard will be had to any Tender, in which the price shall not be inserted in words at length, or that shall not be delivered to COMMISSIONER PUGET, before 12 o'clock at noon, on the said Saturday the first of June next, nor unless the person who makes the Tender, or some person upon his behalf, attends to answer when called for.

PETER PUGET,
Commissioner of His Majesty's Navy at Madras, &c.

COMMISSIONER'S OFFICE, MADRAS, *April* 1, 1811.

ADVERTISEMENT.

PROBATE of the last Will and Testament of JAMES SHAW, late a Lieutenant in the First Battalion of the Seventeenth Regiment of Native Infantry, on the Madras Establishment, deceased; having been granted by the Supreme Court of Judicature at Madras, to WILLIAM MACKINTOSH, Esq. of the Medical Service, and GEORGE FRANCIS TRAVERS, Esq. of the Civil Service of the Honorable Company on the Madras Establishment, as the Executors named therein.—It is hereby required by the said Executors, that all those who are indebted to, or hold any property of the Estate of the said Testator, do forthwith pay their debts and deliver such property, and that those who have claims on the same Estate, do state them to the said WILLIAM MACKINTOSH, at Poonamalle; or to the said GEORGE FRANCIS TRAVERS, at Trichinopoly; without delay.

MADRAS, 22d *March*, 1811.

Bill of Exchange,

ON LONDON.

WANTED.

FOR His Majesty's 69th Regiment, FIVE HUNDRED POUNDS STERLING, for which Drafts will be given on the Agents, at Thirty days.

Tenders for the Amount will be received until the 6th April.

J. LINDSAY,
CAPTAIN 69TH.
ACTING PAYMASTER.

CAMP, RACE STAND, 1st *April*, 1811.

FOR SALE ON COMMISSION.

By Balfour and Hogg,

A TRUNK containing Morocca Skins, of the following choice colours, viz.—Red, Royal Purple, Green, Yellow and Black Spanish Leather.

A CARD.

A. C. MEYER,

BEGS LEAVE TO INFORM

THE LADIES

OF THE

SETTLEMENT,

THAT HE WILL

EXPOSE FOR SALE,

On FRIDAY next, the 5th Instant,

AN ELEGANT ASSORTMENT

OF

Bengal Piece Goods,

CONSISTING OF

VERY fine Charconahs, Dorens, Mulmull, Jamdasnies, and flowered Muslin.

AS ALSO

A few pieces of very handsome Gold and Silver flowered Muslin.

MADRAS, 1st *April*, 1811.

Asiatic Researches.

MESSIEURS

Binny, Dennison & Co.

HAVE RECEIVED

FROM CALCUTTA,

A FEW Copies of the 11th Volume of the RESEARCHES, which are for sale at their Office, at 6½ Pagodas each Copy.

MADRAS, 26*th March*, 1811.

ADVERTISEMENT.

Excellent Mellow

WINE,

NEAR EIGHT YEARS OLD,

TO BE HAD

ON APPLICATION TO

ROBERT SCAWEN,

AT

FORT ST. GEORGE,

IN PIPES, HALF AND QUARTER PIPES, which he takes the liberty of recommending *as Genuine Madeira*, and well worth the attention of GENTLEMEN of the Settlement, and particularly for the purpose of sending it to England. The Quality has been very highly approved of

THE PRICE FIXED IS

PER PIPE.............. PAGODAS 285
HALF PIPE.............. 145
QUARTER PIPE.......... 72½

FORT ST. GEORGE, 25*th March*, 1811.

FOR PRIVATE SALE.

A DARK Bay Arab Saddle Horse, warranted sound.—He has been well broke in for a Baudy, and also frequently used as the Postilion Horse to a Carriage—He is a strong Horse, and goes well in harness.—Price 100 Pagodas.

Also a Bay Saddle Horse sound, young, and very easy in his Paces, and carries a Lady well. —Price 100 Pagodas.

For further particulars enquire at the Office of this Paper.

FOR SALE,

AT THE

COURIER OFFICE,

BLANK Wills,—Common Interest Bonds, Powers of Attorney,—Bills of Lading,—Respondentia Bonds,—Judgement Bonds,—Pass Notes, &c. &c. and Parade Reports for Regiments of Native Infantry.

WHERE ALSO

Visiting Tickets—Cards of Invitation—Battalion Returns, &c. &c. and all work in the Printing Line will be gratefully received, and executed with neatness and dispatch.

Copper Plate Printing neatly struck off, and Visiting Cards &c. engraved.

SALES BY AUCTION.

This-day, TUESDAY, the 2d April,

Ashton and Meppen,

WILL SELL

BY PUBLIC AUCTION,

AT THE USUAL HOUR,

THE Articles as advertised in yesterday's COMMERCIAL CIRCULATOR, they are sold in order to close a concern, and will be knocked down to the highest bidder.

Sale Postponed.

Ashton and Meppen,

ARE under the necessity of postponing the Sale of the BOOKS, advertised for Friday, the 5th Instant, on account of the Malabar Feast which takes place on that day, the Books will however be sold on Saturday, the 6th, and positively to the highest bidder.

TO BE SOLD BY PUBLIC AUCTION,

BY

Dobbin & Sutherland,

AT THEIR AUCTION ROOM,

On THURSDAY next, the 4th Instant,

SALE TO COMMENCE

AT HALF PAST TEN O'CLOCK,

POSITIVELY WITHOUT RESERVE,

TO CLOSE A CONCERN,

A FEW Bolts of Bengal Canvas, two bundles of Twine, and a few Casks of Bengal Salt Provisions, in high preservation.

TO BE SOLD BY PUBLIC AUCTION,

BY

Dobbin & Sutherland,

AT THEIR AUCTION ROOM,

On THURSDAY next, the 4th Instant,

AN Invoice of Gold, Silver, and Mock Jewellery, the particulars will be specified in hand-bills previous to the day of Sale, also an Europe Couch, and two Morocco Matrasses.

TO BE SOLD BY PUBLIC AUCTION,

BY

Dobbin & Sutherland,

AT THEIR AUCTION ROOM,

On THURSDAY next, the 4th Instant,

SUNDRY ARTICLES, the property of a Gentleman, gone to Europe, as already advertised, the particulars of which will be mentioned in hand-bills previous to the day of Sale.

TO BE SOLD BY PUBLIC AUCTION,

BY

Dobbin & Sutherland,

AT THEIR AUCTION ROOM,

On THURSDAY next, the 4th Instant,

POSITIVELY WITHOUT RESERVE,

TO CLOSE A CONCERN,

ABOUT fifty Canisters of Gun Powder, containing 3 to 5lb each, and a collection of Books.

TO BE SOLD BY PUBLIC AUCTION,

BY

Dobbin & Sutherland,

AT THEIR AUCTION ROOM,

On MONDAY next, the 8th Instant,

ABOUT fifty pieces of Superfine Palamcottah Cambrics.

N. B. The above must positively be sold to the highest bidder.

TO BE SOLD BY PUBLIC AUCTION,

By Balfour and Hogg,

AT THEIR AUCTION ROOM,

On SATURDAY next, the 6th Instant,

SALE TO COMMENCE,

AT HALF PAST TEN O'CLOCK,

A LARGE Collection of Books, among which are several valuable works. At the same time, about twenty dozen of Spelling Books, and six Reams Europe Foolscap Paper.

MADRAS:—PRINTED BY WILLIAM SMITH OPPOSITE THE WALLAJAH GATE IN THE FORT.

*** It is requested that those SUBSCRIBERS to the COURIER, who are occasionally changing their Residence, will give early notice of the place to which they remove to the PRINTER, who will pay attention to their orders: and any SUBSCRIBERS at the Presidency to whom the Peons may not deliver the Paper in proper time, are requested to give information of the same, in order that this irregularity may be prevented in future.

SUPPLEMENT TO THE MADRAS COURIER.

Tuesday, April 2, 1811.

SUPREME COURT,

March 5, 1811.

The KING *v.* HENRY PITTS FORSTER.

This being the day appointed for the trial of *Mr. Forster*, on the criminal information filed against him, at the suit of the Company, in the third Term of 1810, the following gentlemen were impannelled as a Special Jury, viz.

H. Sargent, *Foreman*,	Wm. Lloyd Gibbons.
William Doria,	John Robertson,
J. Williamson Fulton,	David Clarke,
Archibald Trotter,	Wigram Money,
Alexander Colvin,	Ben. Fergusson, and
Henry Churchill,	J. Nath. Sealy, Esqrs.

The Jury being sworn in, Mr. Fergusson, Counsel for the *Defendant*, stated, that he had a motion to submit to the Court before the case before the prosecution was opened:—it was his duty to state it now, the course, he conceived, being the same as in a prosecution by indictment. It was not an application founded on any positive right, but an appeal to the discretion of the Court. The information on which his client was to be tried, consisted of six distinct counts, charging him with separate offences. He submitted, that his client ought not to be tried for all these offences at the same time; but that the prosecutor should be put on the election of one of the counts,—or, at least, of two of them,—for he admitted, that there were not six distinct offences charged, though there were, three (the three last counts referring to the same acts as the three first.) In such cases, the humanity of the English bench had always put the prosecutor on his election of one of the charges, in order that the person accused might not be confused in his defence.

The Chief Justice conceived, that this was not a case of that sort, which called for such an interference on the part of the Court. It was the case of a public officer, who had violated his public duty. It might be that he had violated it in more than one instance, but it was still the same offence, though consisting of many parts.

The other Judges concurred in opinion with the Chief Justice. Sir William Burroughs cited the case of bribery at elections, in which it was customary, he believed, to charge several distinct acts of bribery in the same indictment.

Mr. Fergusson said, that he had known twenty indictments brought against one individual in an election case; each indictment charging him with a separate act. The motion, however, was overruled; and Mr. Simpson proceeded to open the case for the Crown, by recapitulating the several counts in the information. By the first count, *Mr. Forster* was charged with having in breach of his trust and duty, as a servant of the Company, and with an intention to defraud, lent to one Nettychurn Sein, on the 27th of February, 1809, a sum of 10,000 Sicca Rupees, which it was his duty as Mint-Master to have transmitted to the public Treasury. The second count charged him with a similar offence, in lending to the same person, on the 6th of March, 1809, another sum of 10,000 Sicca Rupees; and the third count charged him with lending to Nettychurn Sein, on the 7th of March, a further sum of 30,000 Rupees. The three remaining counts recited the same charges, only coupling the name of another native Shroff, named Mothur Mohun Sein, with that of Nettychurn Sein.

Mr. Strettell then addressed the Jury in terms somewhat to the following effect:

"*Gentlemen of the Jury,*

"The charge which you have just heard, is stated from an information, applied for and granted against the *Defendant*, on account of the magnitude of the offence imputed to him, considered as a public offence. By this information, *Mr. Forster*, a gentleman in the civil service of the Company, and, at the period in question, Master of the Calcutta Mint, is accused of having misapplied, for his own profit, the public treasure placed under his charge,—of having lent out diverse sums of that treasure at interest to one Nettychurn Sein, contrary to the duty and trust reposed in him, he being from his office bound to transmit the same, as it was coined, to the General Treasury. And, although, Gentlemen, this offence is only a Misdemeaner by law, and no very heavy punishment can therefore attach to it, it is nevertheless of such a nature, that every man must consider the Government of the country bound to bring it under investigation, and must think, that they could not have withheld from doing so, without opening the door to all the abuses and corruptions which are most pernicious to a state, without betraying the interests of those whom they represent, and ultimately rendering those institutions, which were intended as a blessing to the people over whom they rule, and a support and ornament to the mother country, a burthen and a disgrace. The information contains three several charges, all of the same nature, but each of them imputing to *Mr. Forster* a distinct breach of trust. There are besides three supplementary counts, in which the same charges are repeated, with the addition merely of the name of Mothur Mohun Sein, as joint receiver of the money with Nettychurn Sein. The reason for the insertion of this man's name, was to guard against the possible case of his being a partner with Nettychurn in the transaction; a precaution, which, under the circumstances of the present charge, was, in my opinion, very unnecessary.

"It will be proved to you, Gentlemen, that *Mr. Forster*, during the period stated in the information, and for some time before, was in the habit of lending out large sums of money, from the Company's treasure in doing, he acted, contrary to his duty as Mint-Master. It will be proved to you, that while these practices were going on, remonstrances were made to him on the subject, by persons, whom it would have better become him to have checked, had he perceived that they were acting contrary to their duty, than to have subjected himself to the mortification of receiving reproofs from them. The money isssued on these occasions from the Mint, was passed by passes under *Mr. Forster's* own hand. There is a sentry posted at the gate of the Mint, whose duty it is to prevent any coin from being carried out, without a pass from the Mint-Master. It is therefore the common form, when persons, sending their bullion to the Mint to be coined, receive back the amount in money, to issue a pass for the same in Bengalle, attested by the Mint-Master's signature; and, in like manner, every sum of money going from the Mint to the Treasury, is accompanied by a chelaun. Up to the particular time specified in the information, these passes are not forthcoming. We have therefore been obliged to confine the charge to the acts committed within that period. Previous to the month of February 1808, all the passes were regularly destroyed by *Mr. Forster*, each pass being returned to him, as soon as the treasure, which it accompanied, had passed the gate. About that time *Mr. Forster* went on the river for his health, and the passes in question being thenceforth delivered back, after they were used, to the person who acted for him, and being preserved by that person, a clue was obtained to the discovery of these abuses.

"I shall prove to you, Gentlemen, that Nettychurn Sein, the person to whom these large advances were made, had no bullion in the Mint, and could therefore have no demands whatever against it: that these advances therefore were a mere loan, granted by *Mr. Forster* out of the Company's money, with a view to his own pecuniary advantage. I shall prove to you, that the particular sums of money in question, were coined and issued to Nettychurn Sein from the Mint, but omitted in the statements transmitted from the Mint to the Treasury. This I shall prove by a collation of those statements with the accounts kept at the Mint. I shall further prove, that the money was taken to the house of Nettychurn, and that receipts were regularly granted for it, in his name, in a book which was kept at the Mint. That book we cannot indeed produce; but we shall prove, that it was delivered over to *Mr. Forster* by the Newgies, at the time when they were dismissed from their employments. We have served a notice on the Defendant to produce the book! and it rests with him to do so or not. I state the evidence in this particular manner at the outset, as much for the advantage of the person charged, whom it will the better enable to defend himself against it, as with the view of assisting you in the investigation of the charge. I shall prove the existence of the book, and that receipts were entered in it for the sums issued to Nettychurn, and were entered in *Mr. Forster's* name.

"This, Gentlemen, is the whole of my case. And however we may all lament, that a gentleman so high in station, of character hitherto unimpeached, of great and acknowledged talents, and in the receipt of so liberal a salary from the public; however we may lament, that such a man should have been guilty of the practices set forth in this information; yet, if the evidence to be laid before you, shall substantiate these facts which I have stated, you can have but one course to pursue; and, in such case, it is indeed but proper, that the public interests should be guarded by the punishment of the delinquent."

Here various *Witnesses* were called on the part of the Crown to prove the charges against *Mr. Forster*. We regret we have not time to give their Examinations at full lenght, but as the Hon'ble Chief Justice has taken a clear and concise view of their Evidence in his address to the Jury, perhaps the full detail will not be so material to our Readers. Mr. Fergusson then addressed the Jury as follows:

"*Gentlemen of the Jury,*

"It is now in the course of my duty to address you, on behalf of a man, who, after an honorable service of thirty years, has had the misfortune to incur that, against which hardly any man (in this country, at least) can stand, the displeasure of the government under which he serves, and who now labours under the imputation of an offence, for which he has not only been already severely punished by the deprivation of his office, on the emoluments of which he depended for his support, but is this day brought before you to answer as a criminal. Before I proceed to the defence of my client, it is necessary that I should advert for a moment to the singular circumstances, under which he is now accused. For forty years has this Court sat, administering justice in this place, to the great benefit of the territories subject to its jurisdiction. Yet, during so long a period, this is the first case, which, on account of its extreme enormity, has been selected as a fit subject for a criminal information: this case in which it appears, that the Company have not only not sustained the loss of a single Rupee, but in which they have exacted interest to the last farthing,—interest which would never otherwise have accrued to them, on money, which from the first was secure and forthcoming, which never was wanting, and which has been fully and fairly accounted for by the *Defendant*. If the circumstances which have this day been disclosed, had been known to the *Court*, when this information was moved for, I will be bold to say, that their Lordships would never have interposed their authority on behalf of such a prosecution. When a British Court of Justice is called on to grant an information, it has always been understood, that the prosecutor must come into Court with clean hands and a clear case, aloof from all implication (however remote) in the acts which he alledges to have been done. How do the prosecutors stand here?—After having taken advantage of the opulent circumstances of one of the parties, to exact their interest to the last Rupee, they come to you, Gentlemen, and call on you to revenge them by the criminal conviction of the other. Their conduct is a refinement on Shakespere's Jew:—Shylock was contented with his pound of flesh, and but they must have their pound of flesh, principal and interest besides. I am bound to say, and I will say it, even though it should be at the risk of forfeiting any situation which I may expect to hold under a government, whom I shall always be proud to serve,—I will say, that this is a most harsh prosecution. Nevertheless, Gentlemen, it is impossible for me to regret that the prosecution has been so conducted. I now for the first time address you, standing, as you do, in the situation of a Petty Jury; and, without meaning to say any thing to the prejudice of the Petty Juries of Calcutta, I am free to say, that I am happy that this case is to be tried by you. I know many of you personally: and know, that your minds are not to be infected by the calumnious prejudices, which have been spread abroad against my client. For these last twelve months, the most infamous aspersions on his character have been sedulously propagated: he has been pointed at as a great public defaulter, and, two days ago, any man would have been amazed, any man would have laughed at you, if you had told him, that of the crores on crores of rupees, which have passed through *Mr. Forester's* hands, not one anna had been [illegible] occurred to all of you, Gentlemen, at one time or another, to have heard the imputations which were circulated against *Mr. Forster*, and were circulated with more than common avidity. Gentlemen, *Mr. Forster* has long had the charge of this great concern. How he has conducted it, it is not for me to say. Under the suggestion made to me from the Bench, I did not in that stage of the trial push the examination, which I had begun, with respect to the savings effected by him in his department. But I am now ready to prove, that by the regulations which he introduced, he did effect a saving to the Company of at least 9 lacs of Rupees, and that, had he chosen to avail himself of the opportunities of peculation which his situation offered, he must long ere this have amassed a fortune which as far as his pecuniary circumstances are concerned, would have placed him beyond the reach of any verdict, which you can pronounce. It appears, (and I can establish it, if necessary, by the most positive evidence,) that, from the time of *Mr. Forster's* appointment to the Mint, a very great reduction was effected in the rate of refining; and that, if *Mr. Forster*, instead of promoting that reduction, had chosen to have received even one Anna or half an Anna per cent. from those who were willing to have given it, he would, as I have said, instead of being, as he now is, a man in reduced circumstances, have been in possession of a fortune, that would have rendered the issue of this prosecution a matter of comparative indifference to him. Had he been inclined to defraud, (for that too is charged against him in the information. I will shew, that he did not want opportunities of defrauding.

"Having made these preliminary observations, it will now be necessary for me, Gentlemen, (and, in doing so, I must crave the indulgence of their Lordships,) to enter a little at length into the law of the case. If what I have to urge on this head shall be erroneous I shall be corrected by their Lordships. But, as it is, for you Gentleman, to judge at once of the fact, of the law, and of the motive, I must take the liberty of contending, against what has been this day said by one of the best lawyers whom I know, to be the law of England. It is stated in the information, that the *Defendant* being Master of the Mint, and it being his duty to transmit certain sums of money to the Treasury, did, in breach of his trust and duty, lend out the same, with an intention to defraud. Stripping this accusation of the charge of fraud, which not even an attempt has been made to prove, and leaving the evidence, (to which, I shall advert afterwards, and in which, I aver, the prosecution is miserably deficient,) leaving these points out of the question, I contend, that it does not impute to my client any indictable offence. I contend, that no statute can be shewn, making it criminal in any man, to use or lend the public money, he being answerable for the amount,—to use or lend it, I say, for his private emolument,—provided the money is forthcoming when called for; & in the present case, no attempt has been made to prove, that it was not. I contend, that a public officer so lending the public money, cannot be prosecuted for it, either by information or indictment. And, when I told you, Gentlemen, that this is the first instance in this country, during a course of thirty-seven years, in which a Jury has been called to try a criminal information. I ought also to have told you, that it is the first instance in any country, in which a Jury ever sat under the laws of England, for the trial of this offence. Gentlemen, I defy them to produce a single instance to parallel it. Had they ransacked all the books, of which their houses are full, they would not have found one:—for I will boldly assert, that there is not one such instance on record. It is a case, in which the party aggrieved, has a civil remedy, and that only.

"While I urge this, Gentlemen, I beg that I may not be understood as admitting, that there has been any breach of trust whatever in the present instance. I am by no means reduced to that pass; and I deny that any thing of the kind has been substantiated. There are other public trusts indeed, the breach, of which does not necessarily imply any fraudulent purpose; there is the most important of all trusts, for instance, that which the government of the country has to discharge, in the exercise of its function,—there is also the trust committed to military men for the protection and defence of the state. But, in every case, where money is the subject of trust, I maintain, there is this distinction, that there can be no breach of trust without fraud and embezzlement. I take it, the law is, that, if the money be forth-coming, however the party may recover interest by a civil action for the time, during which it may have been used, or however he may be entitled to indemnity for any loss which may have accrued, the mere using of the money does not subject a man to a criminal prosecution."

Sir William Borroughs. "If you have an authority for that doctrine respecting breach of trust, I should be glad to hear it. You are aware, no doubt, of the 13th of the King, which makes the embezzlement of public money, or any breach of trust and duty in a servant of the Company, a misdemeanour at law, I take it that statute makes a breach of public trust indictable in this country at least. The question then is, what is a breach of public trust. You say, that there can be none, without fraud or embezzlement. If so, this case of course will not come under the statute. If you have any authority therefore, in support of your argument, I should wish to hear it."

Mr. Fergusson. "My Lord, I shall come to that part of the question presently. I was proceeding to address the Jury on two points: first, as to whether this is an offence by the common law of England; after that, I shall come to consider, how far it is made an offence by statute.—This is a subject, Gentlemen, which has been much discussed at home."

Chief Justice. "The whole of your objection appears to me, to go upon the face of the record. If you conceive therefore, that, in point of law, the facts charged are not an offence, I think your argument would be urged more properly in arrest of judgement."

Mr. Fergusson. "I take it to be clear, my Lord, that, where there is a mixed question of law and motive, a Counsel is entitled to address the Jury on the whole case. It is their province to pronounce a verdict of Guilty or Not Guilty; and therefore one of the subjects for their consideration is whether the act ascribed to the Defendant be a crime.

"It is always a matter of concern to me, Gentlemen, when I appear to their Lordships, to be going beyond the strict line of my duty; but, I trust, I am not doing so, in the present instance. I was observing, Gentlemen, that this is a subject, which has been much canvassed at home; and that the result of the discussions there clearly prove, that the lending of public money is no treated by the law of England as a crime. The first cases of this kind were argued before the Parliament of England, about thirty years ago; and it will be important to see, what were the opinions delivered on the occasion by the great lawyers, who then held seats in that assembly. Commissioners were appointed in the year 1783, for the purpose of investigating the public accounts, and of reporting on the large balances which had been allowed to accumulate in the hands of the principal Officers of the state. These Commissioners went a great way back in their researches; and their reports relate principally to defalcations in the offices of the Pay-master of the Forces and Treasurer of the Navy. Gentlemen, some of the greatest lawyers who ever lived, were at that time Members of the House of Commons. But, it never entered into the contemplation of any one of those distinguished characters, that the defaulters were liable to a criminal prosecution. Such an idea has at no period received the sanction of any legal authority; and, the last time it was most successfully and triumphantly rebutted."

Here Mr. Fergusson proceed to quote that part of the report of the Commissioners, which states the balances then outstanding against successive public officers in the various high departments of the state,—including the names of the Earl of Lincoln, the late Lord Holland, the Hon'ble Charle Townshend, &c. &c.

"I name these high and noble persons, Gentlemen," he resumed; "to shew, that if this had been an indictable offence, every one of them ought to have been indicted."

He then finished the clause of the report, stating the large sums due to the nation by these officers; and continued.

"If there was any thing like a crime, Gentlemen, in employing or lending the public money, there was not one, as I have said of the public officers here named, that would not have been liable to indictment. But what did the Parliament of England do? They passed a bill, brought in by Mr. Burke, the provisions of which shew clearly and beyond all dispute the opinions then entertained on this subject. The preamble of this bill sets out with declaring it to be highly expedient that measures should be adopted, with a view to correct such misuse of the public money,—how? by information or indictment?—no such thing, but by making regulations to prevent the future accumulation of balances in the hands of the public accountants.† You will observe, Gentlemen, that the noble persons whom I have mentioned, did a great deal worse than *Mr. Forster*, is alledged to have done. The utmost offence imputed to *him*, is, that he lent out money, which in the course of his office came into his hands, and which was not immediately demanded for the public service. But *they* obtained from the Treasury, sums greatly beyond what was required for the service of their departments, for the express purpose of diverting it to their own emolument. Among other consequences of these investigations into the public accounts, an act was passed in 1785, by which is was directed, that all balances due by the Treasurer of the Navy, should thereafter be paid into the Bank of England. On that ground, and not as an offence at common law, were the articles of impeachment afterwards exhibited against Lord Melville. And, on that ground, a man, who, in point of legal knowledge, yields hardly to any at the bar, (the present Solicitor General,) boldly stood forward, and threw down the gauntlet:—who loudly asserted, (I myself was in West-minster Hall, and heard Mr. Plomer thunder in the ears of the Managers,)—that what they had alledged against Lord Melville, was no offence, that it was all a delusion,—that there existed neither common nor statute law, making it criminal in a man to use the public money for his private emolument. And here, Gentlemen, while I read to you the arguments and authorities advanced by Mr. Plomer on the subject, I must beg you to bear in mind, that no one instance has been proved against my client, in which the money, which passed into his hands, has not been forth-coming when called for.

Mr. Fergusson then proceeded to read to the Jury the following passage from Mr. Plomer's speech, as recorded in the published Report of Lord Melville's Trial:

"I know, when I assert this, I am taking up the gauntlet of the honorable manager who has opened the articles of impeachment; I know he has distinctly and ably argued, that before 1785, when the statute passed, it was illegal for any public officer to apply such money to his own use. He means to say, that it was the law then, and the law recognized by the resolutions in 1782.

"Perhaps the principal force of the honorable manager's argument, was directed against the confession of the noble defendant in the House of Commons, the confession of a public accountant in what has been called the sanctuary of liberty, when he said he would conceal the use which he had made of the public money. He had asserted, he had a right to make this employment of it: and the offence is, that he had dared to avow this in the sanctuary of liberty.

"All these general principles, if they afforded observation against an accountant, must equally apply to the Paymaster of the Army, to Receivers-General of the Land Tax, to all officers, to a man who was entrusted with the public money, and, if they use it before it it wanted or required by the public, all this would be matter of charge against them.

"Now, with great submission, notwithstanding all that has been urged, I undertake to prove before this august assembly, and I will know in whose presence I speak, that there is not a particle of truth in this reasoning; the whole is an error and contradiction. The law is not so, universally admitted not to be so in every book upon the subject, and openly and publicly declared not to be so in the very sanctuary of liberty, by the highest and most enlightened characters in it, and under circumstances which indicate the most positive conviction on the subject.

"My Lords, I hope I may be permitted, as we are now upon a history of the transactions referred to in these articles, when you are called upon in the most novel manner, to advert to the declaration of the Commons, and to say that such a declaration cannot constitute the law of the land. I hope I may accompany this allegation with all that passed in parliament at the very period, and preliminary to the time referred to in these charges on which you are now to pronounce Judgement.

"The honorable managers have stated, that the condition of the public accounts attracted the attention of parliament; public economy was the object, and, Commissioners were appointed under a certain act to promote it.

"Your Lordships will find a most singular and extraordinary account in the preamble to the articles; and when it is attentively examined, it will be discovered, that the directly opposite conclusion must be drawn from the sources there stated, to that which is deduced in this preamble.

"It appears by the Journals of the House, that upon the 11th of June, 1781, the subject was brought under the consideration of parliament by the minister of the day; and your Lordships will condescend to follow through the proceedings at that time. Upon the occasion of this enquiry, the balances which then remained in the hands of the public accounts, were reported by the Committee, and they stand upon the minutes of the House. It is not necessary to trace back the subject as early as the beginning of the last century, but descend to a period which will be within the recollection of some of your Lordships. In the year 1778, a noble person went out of office with large balances, of which he has since been in possession, and I think the whole demand was 450,000l. What did he say in this sanctuary of liberty? Did he admit that he could not apply the public money to private use? No; he asserted his right to make such use of it. Here he was ready to throw down the gauntlet, and to argue against any man, who professed a contrary opinion, that if a public accountant should produce the money in his hands when required, it was a matter of indifference to the public, what beneficial application was made of it by the individual.

'An honorable and learned manager, indeed a recent member of the House of Commons, but who has long been the ornament of the profession, will challenge me and will exclaim. 'How do you dare to assert, that a public accountant, not only to the amount of ten thousand pounds, but to the extent of four hundred and fifty thousand, may thus divert the public monies? You throw down the gauntlet, I take it up, and insist that you have no right to make, this profit of the public money.' What was the case at the date to which I have referred? The minister was not of opinion with the learned and eloquent gentlemen: he said, that if a public accountant would produce the money when necessary, it was immaterial what use had been made of it. Now two persons, who never agreed before upon any one subject, at least concur upon this; and yet here we are to receive a different explanation of the law of the land.

'It is said, that the late Lord Chatham made no use of the public money; but it will be recollected that it was said by one on that day, that he neither blamed, nor much admired his Lordship for this abstinence.

'The subject was again discussed in the following year, and at the very period when these resolutions were voted, (the 18th of June 1782.) The honorable manager has mistaken, he perhaps has not read the transactions of the time attentively: the resolutions

were not proposed as declaratory of the law, they were brought in by the minister, and when introduced, the lateness of the session, it is said, did not allow time for the statute to be passed on the subject, and therefore they were brought in as a sort of pledge of parliament, for the adoption of the principles at a posterior date, or to engage them or their successors to resume the subject.

'Some of your Lordships will remember as a matter of personal observation, others as a matter of history, that a new course of events succeeded, and when the parliament met, they had something else to deliberate upon; and upon these resolutions the house never acted. They are put upon this preamble as if they were the law, when in fact they were only to be introductory of a new law; and is to be said, that by the violation of these the individual is to be condemned?

'Even after these resolutions had been brought forward in the very sanctuary of liberty, a right honorable gentleman said twelve months after, he had considered the subject with respect to very large amounts with which he was entrusted, that he had a right to employ the money, that he had often done so, and that all the nation had to expect of a public accountant was, that the money should be forth coming when the exigencies of the state required.

'It appears, that when the subject was brought under the consideration of parliament, by the Attorney General, on the 25th of June of the same year, this great law officer said, that all he required was, that the balances should be correctly stated, and that the party should be called upon to pay interest for the money in his hands subsequent to his resignation. Thus we see that all the result of the deliberation on this subject was, that it was expected interest would be payable, and a civil right would be established. Even this civil right the parliament opposed and the Attorney General, who brought in the propositions, was obliged to abandon them.

'Your Lordships are not unacquainted with the great lawyers of the day, and if the accountants had acted contrary to the law, they would not have escaped its severity. *Mr. Wallis* said, that he found a difficulty as to the interest, to which it was conceived the public had a right from the great national accountants: but on reflection, he did not hesitate to declare, that the public had no such right, and he should be supported by the long robe in his opinion. If the public were entitled to the interset, the public, he argued, ought to be liable for the failure of the securities. This was not the case, the party himself must answer for the deficiencies, and therefore should have the enjoyment of the interest.

I might state many more opinions, in which such as rejected every idea of criminality, how were alarmed by dangers to the constitution, and to the freedom of the country: nothing of this kind ever entered the head of any one member in the sanctuary of liberty. There was one accountant who had no less a sum than 843,008l. and he publicly stated in his place, that if the balance were increased tenfold, he would make as much advantage of it as he could for his own private emolument.

"This, Gentlemen," continued Mr. Fergusson, is the argument of Mr. Plomer, and an argument which never was rebutted by the Managers."

Sir William Burroughs. "If I am not greatly mistaken, the question was referred to, the Judges in Lord Melville's case and they decided, that it was not a misdemeanour at common law."

Mr. Fergusson. "Very likely, my Lord; I was not aware of that.

"I am much obliged to his Lordship for the suggestion.—I take it then to be a settled position, that by the common law of England, *Mr. Forster* has not been guilty of any criminal offence.

"I now come to consider, whether, for what he is alledged to have done, he can be indicted on any statute. And, in considering that, I will take the words of the act as quoted by his Lordship. The words are, [illegible] trust and duty.—I conceive therefore, it will not do, unless there be a breach of trust as well as a breach of duty. And I contend, that the employment of the public money, is not the breach of trust contemplated in this statute. The act runs thus."

Mr. Fergusson here proceeded to read the act of Parliament, by which it is declared, that the wilfully disobeying the orders of the Court of Directors, in any Governor or Servant of the Company, &c. as well as every wilful breach of trust and duty, &c. in such persons, shall be deemed and taken to be a misdemeanour at law, and shall be liable to punishment by fine and imprisonment. He then resumed.

"I have read, Gentlemen, the whole content of this act, that you may be the better enabled to judge of the signification of that clause of it, under which my client is arraigned. To render a man liable to the penalties of this statute, he must, you see, have committed a *wilful* breach of trust *and* duty, not a mere irregularity, but a gross and wilful violation of the trust and duty of his office. Now what was the trust committed to *Mr. Forster?* I say, his trust was, to keep safe, secure and forthcoming, that which was entrusted to him; and a breach of his trust would have been, not to have kept it safe, secure and forthcoming. As to the mode in which it was to be kept, I conceive it rested entirely with himself, so long as there was no positive regulation to the contrary, and as the money was actually forthcoming, when required by government. If indeed, he had thought on the subject, as I do,—if he had thought, that a man ought to dread the very touch of public money, as a Bramin dreads that of Ganges water, (and for this reason, that it is of all things the most liable to misrepresentation,) he would not perhaps, have disposed it in the manner imputed to him. But you, Gentlemen, are to enquire, whether in so disposing it, he committed a breach of trust and duty. And with respect to the duties of the office of Mint-master, which you have heard described, by as honorable a man, and as upright a public officer as any in the Company's service, I will venture to say that they are perfectly unintelligible, and such as no Jury on earth, could make the foundation of a verdict. After all that has been said, you can infer nothing, but that *Mr. Forster* was bound to keep the gold, and silver, and copper, of the Company, (of which you have heard so much,) at the disposal of the Company, when they should call for it. Mr. Egerton has told you, that there were no written rules on the subject at all, and as to those rules which were not written, I defy you to get one step in the knowledge of them, from the information which he has given you. He has averred, that it was the duty of the Mint-Master to transmit all the bullion in his hands, as fast as it was coined, to the Treasury. If so, the law has found in him a most extraordinary expounder; for he described it to be a part of that duty, to transmit to the Treasury, not only the bullion of the Company, but yours and mine also, I deny it:—I deny, that any Officer could be bound by such a regulation: I deny that the Company have any right to withdraw, or appropriate even for a single hour, the money of any man having a claim on the Mint; & were they to do so in England, he would strike a docket against them instantly, and they would become bankrupts. A breach of trust, indeed! I say, this would have been a breach of trust, far greater than that imputed to the *Defendant*, if, for one minute even, a person having bullion in the Mint had been debarred from his property. I maintain therefore, that you have other ground to go on but this, that *Mr. Forster* was bound to have the money entrusted to him, forthcoming on demand, for those to whom it belonged; and that, if he has appropriated to one party, what pertained to another, the party so suffering would have been grossly defrauded. As to the mode of disposing those funds which are uncalled for, it is of course in the power of Government, at any time, to set all right by a regulation, and to say precisely what the duty of the Mint-master is. But this, it seems, they had not done; and you can therefore go only on the act. By the act his embezzling the money would be indictable, but not his lending it. And, after all, in what way was the money even endangered? The man, to whom he is said to lent it, was one of the most opulent shroffs in Calcutta; and it was just as secure in his possession, as if it had remained in the godowns in the Mint. The bare fact of lending is no offence at all; all that his duty required, was, to keep the money safe. Government might indeed, if they had so chosen, have made this a breach of duty; they might have said, you shall not keep 5,000 Rupees at any one time in your possession. They have said no such thing. On the subject of the Mint-Master's duty, you have nothing but the strange account of Mr. Egerton, who puts both cases on the same footing, and considers the non-transmission of the Company's money and the non-transmission of the money of individuals, as equally culpable. Now, it will not, I presume, be very easy to shew, that, in not sending another man's money into the Company's Treasury, *Mr. Forster*, was guilty of a breach of trust. And, with respect to the transmission of the Company's money, all the account that you have of the duties of the office, rest only on Mr. Egerton's interpretation. Unless they can produce a positive regulation on the subject, I contend, that no breach of duty is proved.

"But, Gentlemen, I go much further than this. I deny, that the evidence furnishes throughout the most distant indication, of an intention to defraud, on the part of *Mr. Forster*. You have heard much, Gentlemen, of these howlaut accounts;—they were introduced to you with an air of mystery, as if there was something criminal in the very word. Those accounts you have heard were entered regularly in the public books of the office; there was nothing of privacy or concealment connected with them; they were open at all times to the inspection of any person whom government might chuse to appoint for that purpose. And, after all, what does the whole transaction amount to? Why, that this man had accounts to an immense extent at the Mint, and also an account with *Mr. Forster* himself. They have not dared to produce the bullion-book, from which alone the state of his account at the periods in question could be known. Ten days are allowed after the issue of an assay-certificate, before the party can demand his money from the Mint, besides two days which are required in the first instance, to assay the bullion; so that twelve days in all must elapse, before bullion paid into the Mint can be realized as coin. The whole transaction therefore amounts only to this, that Nettychurn Sein, having bullion in the Mint, got these advances from *Mr. Forster* a few days before his money was, due, at no risk or loss whatever to the public. It may be, that he also obtained them, in some instances, on account of money lent to *Mr. Forster*; but that will not alter the question; the question is, whether the advances were made with an intent to defraud.

"I congratulate the *Advocate General* on the news which he will have to carry home to England, after a zealous scrutiny of seven years into the mal practices of the Company's servants;—for I hope the intelligence of *Mr. Forster's* acquittal will yet overtaken him before the *Diana* leaves Saugor. I can imagine his first interview with the Court of Directors, and the mutual congratulations that will no doubt pass on the subject. "Well, what news from Bengal? what sport have you had? how many peculators have you ferretted out for us?" "Pretty well;—there was a Mint-Master tried, just as I came away, but he was acquitted; I left two or three other informations in train, however." "A Mint-Master! how much have we lost by him? no doubt, a crore of Rupees at least! how we are robbed by these servants of ours!" "Lost' oh no, I took care of that; you not only lost nothing, but got interest for your money, of which you would never otherwise have got a farthing.' 'That's right! you are the best Advocate General for us:—only set the rest on to do the same,—we can lie by, and pounce upon the principal and interest, and then you shall prosecute them all in the Supreme Court."

"Gentlemen, I commit this case into your hands with the most perfect confidence as to the fate of my client: for, I take my God to witness, that, were I now sitting as Juryman among you, I could no more say, that *Mr. Forster* intended to defraud the Company, than I could impute the same offence to the most honorable man who ever served the public."

Here Mr. Fergusson concluded; and no *Witnesses* being called on the part of the *Defendant*, the Chief Justice proceeded to charge the Jury, in terms to the following effect:

"*Gentlemen of the Jury*,

"This is an information brought on a statute of the 33d of the King, by which it is enacted, that every breach of trust and duty in a servant of the East India Company, shall be deemed a misdemeanour at law. That being the case, a great deal, and almost the whole of what you have heard from the bar, is placed entirely out of the question. I agree with the Counsel for the *Defendant*, that in England this would not be an indictable offence; but it is equally clear, that here, wher we are now sitting, it is indictable. The simple question therefore which you have to try, is whether the *defendant* has been guilty of a breach of trust and duty:—you must find him guilty of both, or of neither. The information states, that certain sums of public money were entrusted to *Mr. Forster*, and that he lent out that money. I am of opinion, and I believe it is the unanimous opinion of the Judges, if these facts are believed, he is guilty of both. Even, if he had been a common public officer, into whose possession the money had incidentally come, I think, he would have been guilty of a breach of trust: because the money was manifestly endangered, it might not have been forthcoming, and it had been converted into a sourse of profit to himself. But a Mint-Master does not come into possession of money incidentally: he is employed to convert bullion into coin; and, it is peculiarly his duty, to be delivered when called for. After a fraud has been committed, it is too late to contend, that there has been no intent to defraud. And if the Mint-Master disposes of the money for his own emolument, so that it is withheld or delayed even for one day, the fraud is complete.

Mr. Fergusson. "I submit, my Lord, there is no proof of that fact.

Chief Justice. "I shall come to the evidence presently. I believe one of the Witnesses said, that he had repeatedly urged Mr. Forster to send money to the Treasury, instead of sending it to Nettychurn Sein; and that he sometimes had succeeded, and sometimes had not.

"The Bench therefore are unanimously in thinking, that, it Mr. Forster has committed the acts laid to his charge, he must be found guilty under this statute It is a particular statute, expressly made for this country. And, although in England this offence is not indictable, yet, adverting to what daily passes there in civil causes, one can have no difficulty in saying, that the circumstances stated are quite sufficient to constitute a breach of trust. A man employing the money of another for his own emolument, is liable by the law of England to pay to the person to whom it belongs, whatever profit he may have derived from it, and is answerable to him for any loss which may accrue. At the same time, as I have said, I go along with the Counsel in thinking, that such an act is not held criminal by the common law. But it is equally clear to me, that by the statute law, it is in this country undoubtedly an indictable misdemeanour."

"I will now, Gentlemen, proceed to state to you, (and I believe, I may do it very shortly,) the evidence in this case. The first *Witness* called, proves *Mr Forster* to be an Englishman, and therefore subject to the jurisdiction of this Court, which he would equally have been indeed, whatever might be his country, from being in the service of the Company. The next *Witness* is *Mr. Egerton*, who, in stating the duties of the office of Mint-Master, is said to have stated them absurdly. In my opinion, he stated them very sensibly, very clearly and very satisfactorily. He told you, that it was the Mint-master's duty, to receive bullion both from government and individuals, and to pay it out, when coined, first to the individuals: but if those individuals did not come to demand it before the close of the day to pay it into the Treasury. "What? we are asked," is he to remit the money of A. B. and C. along with the Company's money, to the Treasury. I answer, that in that sense, it is not the money of any individual All goes into one mass; and, though the Company are bound to pay back to each individual the value of his bullion, they are not bound to pay it in the indentical coin which has been made from that bullion. It appears, I confess, to me, to be a very resonable and sensible regulation. There are obvious circumstances, which may render it extremely improper to keep coined money at the Mint, where, from the number of low persons who are employed in coining, it must of course be more liable to pilfering, than at the Treasury. To remove the money therefore, as it is coined, appears to be a very wise precaution. But, say, that it was his duty, to set aside the money of A. B. and C. to be ready for them when called for, has he done so? No; he has lent out their money, and endangered it, as much as he has done that of the Company.

"The *Witnesses*, Gentlemen, have looked at the three passes signed by *Mr. Forster*, on which this money was conveyed out of the Mint, and have sworn to the delivery of the money on the days specified. It is proved by the last *Witness*, that Nettychurn Sein was at that time a debtor to the Company. But, even if it had been otherwise, even if he had then possessed bullion in the Mint, this was not the course to pay it. There is no pretence however, that he had a single anna in the Mint, either in bullion or in any thing else. What could the Mint have to do, with a private howlaut account? It appears to me, that, fairly and honestly, and in consistence with *Mr. Forster's* trust and duty as Mint-Master, no such account could have subsisted between the Mint and any individual. The man himself does not pretend, that the money was his property; he tells you, that he was to pay it back. This therefore is a loan, if it be any thing.

"I was corrected just now by the Counsel, when I stated to you, Gentlemen, that the payment of the Company's money had been delayed, in consequence of the loans made by *Mr. Forster*. But I am very sure that I have it in my notes, that Mr. Dacosta had conversations with *Mr. Forster*, in which he told him, that there was a great demand for money at the Treasury, and that he had better send the money there, than to Nettychurn Sein. In these applications, Mr. Dacosta says, he was sometimes successful, sometimes not,—adding, that, on those occasions when he was unsuccessful, *Mr. Forster* used to say, that it rested with the Mint-Master whether to remit money to the Treasury, or to pay it to individuals. I think, it did rest with the Mint-Master,—that is, subject to the rules and duties of his office. But here, it has been sworn by the *Witnesses*, that Nettychurn had not one anna in the Mint at the time; his repaying the money further shews, that he had not; and lastly, you have heard from his own servant, that he was then actually indebted to the Mint, in the sum of 44,000 Rupees. I would read over the whole, of the evidence, Gentlemen, and will do it, if you think it necessary; but really the case appears to me, to lie within so small a compass, that I should think it a very useless waste of your time. You are to try, whether *Mr. Forster* has violeted his trust and duty as Mint-Master. It appears that interest was received by him from Nettychurn, on these loans; and I do not suppose, that he carried that interest to the account of Government. But it matters not in fact, whether he profited from the transaction or no. It was nevertheless a breach of trust and duty; and, if you are of opinion that it was so, the offence is certainly an indictable offence in this country. with repect to the degree of the offence, that is not a question for your consideration;—that will be considered by the *Court*, in awarding the punishment. You have only to try, whether the *Defendant* committed a breach of trust and duty, by lending Nettychurn Sein the sums charged in this information.

The Chief Justice having concluded, the Jury retired; and after deliberating for nearly three quarters of an hour, returned a verdict of "*Guilty of a breach of trust and duty.*"

Mr. Fergusson. "I submit, my Lord, I am entitled to a general verdict. The Jury have not yet found, the intention to defraud."

Chief Justice. "I think, this is a general verdict. The intention to defraud, [illegible] part of the offence charged."

Sir William Burroughs. "The Jury had better say, whether they mean to give a general or a special verdict. I apprehend, the *Court* cannot compel a Jury to give a general verdict, if they chuse to persist in giving a special one."

The *Court* then recommended to the Jury to say, whether they intended to give a special or general verdict, and, if they had any doubts on the subject, to retire and reconsider it.

Mr. Churchill. "The Jury, my Lords entertain doubts as to the intention to defraud."

Mr. Fergusson. "I submit then, my Lords, that this is a verdict of Not Guilty. A breach of trust without an intent to defraud, is no offence at all.

Chief Justice. "In my opinion, the intent to defraud has no more to do with the offence charged, than the song of Chevy Chace. It is a useless and nonsensical averment, which ought not to have been in the information. The offence which the act makes indictable, is a breach of trust and duty. And, if this verdict were recorded as it now stands, I certainly for one should consider it a general verdict."

Mr. Strettell. "I had nothing to do, my Lords, with drawing out the information. I certainly agree in thinking, that the averment ought to have been omitted."

The Jury then retired again for a few minutes, and returned into Court, with a verdict of "*Guilty of breach of trust and duty, but not with an intention to defraud the Company.*"

Mr. Fergusson. I humbly submit, my Lords, that is no verdict."

Sir William Burroughs. "So much the better for you, if it is not."

Mr. Fergusson. "No my Lord. My client will be liable to be tried again."

Mr Strettell. "Then, my Lords I shall be under the necessity of proceeding with the other information tomorrow."

Sir William Burroughs. "I think, it will be a very sufficient reason for trying the other: if there is any doubt as to this being a verdict."

The Court then adjourned, until the following day.

WEDNESDAY, March 6, 1811

Chief Justice. "The Judges have conferred together on the subject of the verdict of yesterday; and are unanimously of opinion, that it is a very good verdict, and a verdict of Guilty. At the same time it is coupled with a circumstance, which the Court consider as recommendation to mercy. I think however, that the Counsel for the *Defendant* ought still to be left to argue the question if he thinks, he has grounds to do so. I state this merely now, as perhaps it may save the necessity of proceeding the other information."

Mr. Fergusson. "After the opinion expressed by your Lordships, I do not think I shall trouble the Court with any argument on the subject. I am always disposed to receive with every deference what falls from your Lordships. At the same time, I really have not yet sufficiently considered the matter.

Chief Justice. "It is entirely a mistake to suppose, that fraud forms any necessary part of a breach of trust. On the contrary, in most cases of breach of trust, there is no intention to defraud,—the party intends to replace the money. But the offences is nevertheless complete. What, if the Shroff had, in this case, become bankrupt, and the money had not been forthcoming? The averment, with respect to the intention, to defraud, as it here stands, is mere nonsenee."

Sir John Royds. "Every public officer is bound to dircharge the trust reposed in him, in a proper manner; and, a breach of that trust being indictable by the statute; the verdict of the Jury appears to me quite complete, without finding the intention to defraud.

Sir William Burroughs. "You had better consider well, whether you have any ground on which to argue in arrest of judgment. For if you should argue the point and fail, I do not suppose, that in a case like this, the Court would think, that any end of public justice would be answered, by proceeding with the other information."

Mr Fergusson. "If Mr. Strettell will consent to wave the other trial for a few days, until I have time to consider of the subject, it may perhaps save your Lordships any further trouble."

Mr. Strettell. "In that, my Lords, I wish to be entirely guided by the *Court*"

Chief Justice. "I do not think, this is a case, in which it can be necessary, to press the other information. The sense of the Jury was shewn by their verdict. It certainly would have been a more aggravated case, if they had found an intention to defraud and a heavier punishment must have followed on the record. As it is, the *Court* will consider the verdict, as recommending *Mr. Forster* to mercy."

Sir William Burroughs. "It is agreed on all hands, is it not, that the Company has sustained no loss, either in this, or in any of the other cases charged?"

Mr. Fergusson. "I will venture to pledge my honour to that my Lord."

Sir William Burroughs. "Then I certainly do not think, that it would be right to proceed with the other information at all."

Chief Justice. "You will consider. Mr. Fergusson, that though the intention to defraud is alledged in the information, it does not form an averment, which it is incumbent on the prosecutor to prove. Every indictment contains a great deal of matter, which is wholly irrelevant to the issue, and on which no Jury is ever called to pronounce. For instance, it is charged, that such a man, 'not having the fear of God before his eyes, but moved and seduced by the instigation of the Devil,' committed such an offence. Now, though the Jury may all be very good Christians, it is possible, that they may not all agree to this doctrine."

"After a few more observations on the same subject from the Bench, Monday the 11th instant was fixed, for the further consideration of the case.

Monday, March 11, 1811.

The Court having assembled this morning at the usual hour, and the Counsel for *Mr. Forster* declining to enter into any argument in arrest of judgment, a second Jury was impannelled, and the Company's Junior Counsel recapitulated the counts of the second information, charging *Mr. Forster*, with having a breach of his trust and duty, &c converted to his own use, three several sums of money, from the treasure deposit in the Mint, viz. on one occasion 10,000 Rupees, on another 10,000 Rupees, and on a third 2120 Rupees.

Mr. Strettell then informed the Court, that he had no evidence [illegible] Jury were directed to acquit the *Defendant*, and did so accordingly.

Their Lordships then on the motion of Mr. Strettell, were pleased to order, that *Mr. Forster*, appear to receive judgement on Monday the 18th instant, and that a notice to that effect be served on him.

Monday, March 18, 1811.

This day, *Henry Pitts Forster, Esq.* was brought to the bar of the Supreme Court, to receive sentence, for a breach of public trust and duty as a servant of the Company. *Mr. Forster* was adjudged, to pay fine of 100 Rupees to the King, and to be imprisoned for six months. The particulars shall be given at full length in our next.